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SENATE MANUAL

CONTAINING THE

STANDING RULES, ORDERS, LAWS, AND RESOLUTIONS AFFECTING THE BUSINESS

OF THE

UNITED STATES SENATE

DECLARATION OF INDEPENDENCE
ARTICLES OF CONFEDERATION
ORDINANCE OF 1787
AND THE
CONSTITUTION OF THE UNITED STATES

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COMMITTEE ON RULES AND ADMINISTRATION

UNITED STATES SENATE

ONE HUNDRED FIRST CONGRESS

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SENATE RESOLUTION 188

(AN ORIGINAL RESOLUTION REPORTED BY SENATOR FORD)

In the Senate of the United States,

October 2 (legislative day, September 18), 1989.

Resolved, That the Committee on Rules and Administration hereby is directed to prepare a revised edition of the Senate Rules and Manual for the use of the One Hundred First Congress, that said manual shall be printed as a Senate document, and that two thousand additional copies shall be printed and bound, of which one thousand copies shall be for the use of the Senate, and one thousand copies shall be bound and delivered as may be directed by the Committee on Rules and Administration.

Walter J. Stewart,
Secretary.

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STANDING RULES OF THE SENATE

[The 1979 general revision of the rules was accomplished by the adoption of S. Res. 274 on Nov. 14, 1979, a resolution submitted by Mr. Robert C. Byrd for himself and Mr. Baker; the preparation of the proposed revision was pursuant to the adoption of S. Res. 156 on May 10, 1976, a resolution by Mr. Robert C. Byrd; the general revision of the rules set forth in S. Res. 274 was somewhat altered in form by the adoption of S. Res. 389 on Mar. 25, 1980, to consolidate and renumber certain standing rules of the Senate.

[Changes to Senate rules since the last general revision in 1979 are indicated by footnotes in each succeeding edition of the *Senate Manual.*

[For the origin of various changes in Senate procedure between 1884 and 1979, as set forth in rules changes, adopted resolutions, and Legislative Reorganization Acts, see the table on p. XII of *Senate Procedure,* 1981 ed.]

RULE I 1

APPOINTMENT OF A SENATOR TO THE CHAIR

1. In the absence of the Vice President, the Senate shall choose a President pro tempore, who shall hold the office and execute the duties thereof during the pleasure of the Senate and until another is elected or his term of office as a Senator expires. 1.1

2. In the absence of the Vice President, and pending the election of a President pro tempore, the Acting President pro tempore or the Secretary of the Senate, or in his absence the Assistant Secretary, shall perform the duties of the Chair. 1.2

3. The President pro tempore shall have the right to name in open Senate or, if absent, in writing, a Senator to perform the duties of the Chair, including the signing of duly enrolled bills and joint resolutions but such substitution shall not extend beyond an adjournment, except by unanimous consent; and the Senator so named shall have the right to name in open session, or, if absent, in writing, a Senator to perform the duties of the Chair, but not to 1.3

extend beyond an adjournment, except by unanimous consent.

2 RULE II

PRESENTATION OF CREDENTIALS AND QUESTIONS OF PRIVILEGE

2.1 1. The presentation of the credentials of Senators elect or of Senators designate and other questions of privilege shall always be in order, except during the reading and correction of the Journal, while a question of order or a motion to adjourn is pending, or while the Senate is voting or ascertaining the presence of a quorum; and all questions and motions arising or made upon the presentation of such credentials shall be proceeded with until disposed of.

2.2 2. The Secretary shall keep a record of the certificates of election and certificates of appointment of Senators by entering in a well-bound book kept for that purpose the date of the election or appointment, the name of the person elected or appointed, the date of the certificate, the name of the governor and the secretary of state signing and counter-signing the same, and the State from which such Senator is elected or appointed.

2.3 3. The Secretary of the Senate shall send copies of the following recommended forms to the governor and secretary of state of each State wherein an election is about to take place or an appointment is to be made so that they may use such forms if they see fit.

THE RECOMMENDED FORMS FOR CERTIFICATES OF ELECTION AND CERTIFICATE OF APPOINTMENT ARE AS FOLLOWS:

"CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

"To the President of the Senate of the United States:

"This is to certify that on the — day of ——, 19—, A—— B—— was duly chosen by the qualified electors of the State of ——— a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3d day of January, 19—.

"Witness: His excellency our governor ——, and our seal hereto affixed at ——— this — day of ——, in the year of our Lord 19—.

"By the governor:

"C—— D——,
"Governor.

"E—— F——,
"Secretary of State."

"CERTIFICATE OF ELECTION FOR UNEXPIRED TERM

"To the President of the Senate of the United States:

"This is to certify that on the — day of ——, 19—, A—— B—— was duly chosen by the qualified electors of the State of —— a Senator for the unexpired term ending at noon on the 3d day of January, 19—, to fill the vacancy in the representation from said State in the Senate of the United States caused by the —— of C—— D——.

"Witness: His excellency our governor ——, and our seal hereto affixed at ——— this — day of ——, in the year of our Lord 19—.

"By the governor:

"E—— F——,
"Governor.

"G—— H——,
"Secretary of State."

"CERTIFICATE OF APPOINTMENT

"To the President of the Senate of the United States:

"This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of ——, I, A—— B——, the governor of said State, do hereby appoint C—— D—— a Senator from said State to represent said State in the Senate of the United States until the vacancy therein caused by the —— of E—— F——, is filled by election as provided by law.

"Witness: His excellency our governor ——, and our seal hereto affixed at ——— this — day of ——, in the year of our Lord 19—.

"By the governor:

"G—— H——,
"Governor.

"I—— J——,
"Secretary of State."

3

RULE III

OATHS

The oaths or affirmations required by the Constitution and prescribed by law shall be taken and subscribed by each Senator, in open Senate, before entering upon his duties.

OATH REQUIRED BY THE CONSTITUTION AND BY LAW TO BE TAKEN BY SENATORS

I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God. (5 U.S.C. 3331.)

4

RULE IV

COMMENCEMENT OF DAILY SESSIONS

4.1a 1.(a)[1] The Presiding Officer having taken the chair, following the prayer by the Chaplain, and a quorum being present, the Journal of the preceding day shall be read unless by nondebatable motion the reading shall be waived, the question being, "Shall the Journal stand approved to date?", and any mistake made in the entries corrected. Except as provided in subparagraph (b) the reading of the Journal shall not be suspended unless by unanimous consent; and when any motion shall be made to amend or correct the same, it shall be deemed a privileged question, and proceeded with until disposed of.

4.1b (b) Whenever the Senate is proceeding under paragraph 2 of rule XXII, the reading of the Journal shall be dispensed with and shall be considered approved to date.

4.1c (c) The proceedings of the Senate shall be briefly and accurately stated on the Journal. Messages of the President in full; titles of bills and resolutions, and such parts as shall be affected by proposed amendments; every vote, and a brief statement of the contents of each petition, memorial, or paper presented to the Senate, shall be entered.

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[1] As amended by S. Res. 28, 99-2, Feb. 27, 1986.

(d) The legislative, the executive, the confidential legislative proceedings, and the proceedings when sitting as a Court of Impeachment, shall each be recorded in a separate book. 4.1d

2. During a session of the Senate when that body is in continuous session, the Presiding Officer shall temporarily suspend the business of the Senate at noon each day for the purpose of having the customary daily prayer by the Chaplain. 4.2

RULE V 5

SUSPENSION AND AMENDMENT OF THE RULES

1. No motion to suspend, modify, or amend any rule, or any part thereof, shall be in order, except on one day's notice in writing, specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof. Any rule may be suspended without notice by the unanimous consent of the Senate, except as otherwise provided by the rules. 5.1

2. The rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules. 5.2

RULE VI 6

QUORUM—ABSENT SENATORS MAY BE SENT FOR

1. A quorum shall consist of a majority of the Senators duly chosen and sworn. 6.1

2. No Senator shall absent himself from the service of the Senate without leave. 6.2

3. If, at any time during the daily sessions of the Senate, a question shall be raised by any Senator as to the presence of a quorum, the Presiding Officer shall forthwith direct the Secretary to call the roll and shall announce the result, and these proceedings shall be without debate. 6.3

4. Whenever upon such roll call it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant at Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; and pending its execution, and until a quorum shall be 6.4

present, no debate nor motion, except to adjourn, or to recess pursuant to a previous order entered by unanimous consent, shall be in order.

7 RULE VII

MORNING BUSINESS

7.1 1. On each legislative day after the Journal is read, the Presiding Officer on demand of any Senator shall lay before the Senate messages from the President, reports and communications from the heads of Departments, and other communications addressed to the Senate, and such bills, joint resolutions, and other messages from the House of Representatives as may remain upon his table from any previous day's session undisposed of. The Presiding Officer on demand of any Senator shall then call for, in the following order:

The presentation of petitions and memorials.
Reports of committees.
The introduction of bills and joint resolutions.
The submission of other resolutions.

All of which shall be received and disposed of in such order, unless unanimous consent shall be otherwise given, with newly offered resolutions being called for before resolutions coming over from a previous legislative day are laid before the Senate.

7.2 2. Until the morning business shall have been concluded, and so announced from the Chair, or until one hour after the Senate convenes at the beginning of a new legislative day, no motion to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the Calendar shall be entertained by the Presiding Officer, unless by unanimous consent: *Provided, however,* That on Mondays which are the beginning of a legislative day the Calendar shall be called under rule VIII, and until two hours after the Senate convenes no motion shall be entertained to proceed to the consideration of any bill, resolution, or other subject upon the Calendar except the motion to continue the consideration of a bill, resolution, or other subject against objection as provided in rule VIII, or until the call of the Calendar has been completed.

7.3 3. The Presiding Officer may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate, any bill or other matter sent to the

Senate by the President or the House of Representatives for appropriate action allowed under the rules and any question pending at that time shall be suspended for this purpose. Any motion so made shall be determined without debate.

4. Petitions or memorials shall be referred, without debate, to the appropriate committee according to subject matter on the same basis as bills and resolutions, if signed by the petitioner or memorialist. A question of receiving or reference may be raised and determined without debate. But no petition or memorial or other paper signed by citizens or subjects of a foreign power shall be received, unless the same be transmitted to the Senate by the President. 7.4

5. Only a brief statement of the contents of petitions and memorials shall be printed in the Congressional Record; and no other portion of any petition or memorial shall be printed in the Record unless specifically so ordered by vote of the Senate, as provided for in paragraph 4 of rule XI, in which case the order shall be deemed to apply to the body of the petition or memorial only; and names attached to the petition or memorial shall not be printed unless specially ordered, except that petitions and memorials from the legislatures or conventions, lawfully called, of the respective States, Territories, and insular possessions shall be printed in full in the Record whenever presented. 7.5

6. Senators having petitions, memorials, bills, or resolutions to present after the morning hour may deliver them in the absence of objection to the Presiding Officer's desk, endorsing upon them their names, and with the approval of the Presiding Officer, they shall be entered on the Journal with the names of the Senators presenting them and in the absence of objection shall be considered as having been read twice and referred to the appropriate committees, and a transcript of such entries shall be furnished to the official reporter of debates for publication in the Congressional Record, under the direction of the Secretary of the Senate. 7.6

8 RULE VIII

ORDER OF BUSINESS

8.1 1. At the conclusion of the morning business at the beginning of a new legislative day, unless upon motion the Senate shall at any time otherwise order, the Senate shall proceed to the consideration of the Calendar of Bills and Resolutions, and shall continue such consideration until 2 hours after the Senate convenes on such day (the end of the morning hour); and bills and resolutions that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once and for five minutes only upon any question; and an objection may be interposed at any stage of the proceedings, but upon motion the Senate may continue such consideration; and this order shall commence immediately after the call for "other resolutions", or after disposition of resolutions coming "over under the rule", and shall take precedence of the unfinished business and other special orders. But if the Senate shall proceed on motion with the consideration of any matter notwithstanding an objection, the foregoing provisions touching debate shall not apply.

8.2 2. All motions made during the first two hours of a new legislative day to proceed to the consideration of any matter shall be determined without debate, except motions to proceed to the consideration of any motion, resolution, or proposal to change any of the Standing Rules of the Senate shall be debatable. Motions made after the first two hours of a new legislative day to proceed to the consideration of bills and resolutions are debatable.

9 RULE IX

MESSAGES

9.1 1. Messages from the President of the United States or from the House of Representatives may be received at any stage of proceedings, except while the Senate is voting or ascertaining the presence of a quorum, or while the Journal is being read, or while a question of order or a motion to adjourn is pending.

9.2 2. Messages shall be sent to the House of Representatives by the Secretary, who shall previously certify the determination of the Senate upon all bills, joint resolutions, and other resolutions which may be communicated to the House, or in which its concurrence may be requested; and the Secretary shall also certify and deliver to the President of the United States all resolutions and other communications which may be directed to him by the Senate.

RULE X 10

SPECIAL ORDERS

1. Any subject may, by a vote of two-thirds of the Senators present, be made a special order of business for consideration and when the time so fixed for its consideration arrives the Presiding Officer shall lay it before the Senate, unless there be unfinished business in which case it takes its place on the Calendar of Special Orders in the order of time at which it was made special, to be considered in that order when there is no unfinished business. 10.1

2. All motions to change such order, or to proceed to the consideration of other business, shall be decided without debate. 10.2

RULE XI 11

PAPERS—WITHDRAWAL, PRINTING, READING OF, AND REFERENCE

1. No memorial or other paper presented to the Senate, except original treaties finally acted upon, shall be withdrawn from its files except by order of the Senate. 11.1

2. The Secretary of the Senate shall obtain at the close of each Congress all the noncurrent records of the Senate and of each Senate committee and transfer them to the General Services Administration for preservation, subject to the orders of the Senate. 11.2

3. When the reading of a paper is called for, and objected to, it shall be determined by a vote of the Senate, without debate. 11.3

4. Every motion or resolution to print documents, reports, and other matter transmitted by the executive departments, or to print memorials, petitions, accompanying documents, or any other paper, except bills of the Senate or House of Representatives, resolutions submitted by a Senator, communications from the legislatures or conventions, lawfully called, of the respective States, shall, unless the Senate otherwise order, be referred to the Committee on Rules and Administration. When a motion is made to 11.4

commit with instructions, it shall be in order to add thereto a motion to print.

11.5 5. Motions or resolutions to print additional numbers shall also be referred to the Committee on Rules and Administration; and when the committee shall report favorably, the report shall be accompanied by an estimate of the probable cost thereof; and when the cost of printing such additional numbers shall exceed the sum established by law, the concurrence of the House of Representatives shall be necessary for an order to print the same.

11.6 6. Every bill and joint resolution introduced or reported from a committee, and all bills and joint resolutions received from the House of Representatives, and all reports of committees, shall be printed, unless, for the dispatch of the business of the Senate, such printing may be dispensed with.

12

RULE XII

VOTING PROCEDURE

12.1 1. When the yeas and nays are ordered, the names of Senators shall be called alphabetically; and each Senator shall, without debate, declare his assent or dissent to the question, unless excused by the Senate; and no Senator shall be permitted to vote after the decision shall have been announced by the Presiding Officer, but may for sufficient reasons, with unanimous consent, change or withdraw his vote. No motion to suspend this rule shall be in order, nor shall the Presiding Officer entertain any request to suspend it by unanimous consent.

12.2 2. When a Senator declines to vote on call of his name, he shall be required to assign his reasons therefor, and having assigned them, the Presiding Officer shall submit the question to the Senate: "Shall the Senator for the reasons assigned by him, be excused from voting?" which shall be decided without debate; and these proceedings shall be had after the rollcall and before the result is announced; and any further proceedings in reference thereto shall be after such announcement.

12.3 3. A Member, notwithstanding any other provisions of this rule, may decline to vote, in committee or on the floor, on any matter when he believes that his voting on such a matter would be a conflict of interest.

4. No request by a Senator for unanimous consent for the taking of a final vote on a specified date upon the passage of a bill or joint resolution shall be submitted to the Senate for agreement thereto until after a quorum call ordered for the purpose by the Presiding Officer, it shall be disclosed that a quorum of the Senate is present; and when a unanimous consent is thus given the same shall operate as the order of the Senate, but any unanimous consent may be revoked by another unanimous consent granted in the manner prescribed above upon one day's notice. 12.4

RULE XIII 13

RECONSIDERATION

1. When a question has been decided by the Senate, any Senator voting with the prevailing side or who has not voted may, on the same day or on either of the next two days of actual session thereafter, move a reconsideration; and if the Senate shall refuse to reconsider such a motion entered, or if such a motion is withdrawn by leave of the Senate, or if upon reconsideration the Senate shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent. Every motion to reconsider shall be decided by a majority vote, and may be laid on the table without affecting the question in reference to which the same is made, which shall be a final disposition of the motion. 13.1

2. When a bill, resolution, report, amendment, order, or message, upon which a vote has been taken, shall have gone out of the possession of the Senate and been communicated to the House of Representatives, the motion to reconsider shall be accompanied by a motion to request the House to return the same; which last motion shall be acted upon immediately, and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider. 13.2

14 RULE XIV

BILLS, JOINT RESOLUTIONS, RESOLUTIONS, AND PREAMBLES THERETO

14.1 1. Whenever a bill or joint resolution shall be offered, its introduction shall, if objected to, be postponed for one day.

14.2 2. Every bill and joint resolution shall receive three readings previous to its passage which readings on demand of any Senator shall be on three different legislative days, and the Presiding Officer shall give notice at each reading whether it be the first, second, or third: *Provided,* That each reading may be by title only, unless the Senate in any case shall otherwise order.

14.3 3. No bill or joint resolution shall be committed or amended until it shall have been twice read, after which it may be referred to a committee; bills and joint resolutions introduced on leave, and bills and joint resolutions from the House of Representatives, shall be read once, and may be read twice, if not objected to, on the same day for reference, but shall not be considered on that day nor debated, except for reference, unless by unanimous consent.

14.4 4. Every bill and joint resolution reported from a committee, not having previously been read, shall be read once, and twice, if not objected to, on the same day, and placed on the Calendar in the order in which the same may be reported; and every bill and joint resolution introduced on leave, and every bill and joint resolution of the House of Representatives which shall have received a first and second reading without being referred to a committee, shall, if objection be made to further proceeding thereon, be placed on the Calendar.

14.5 5. All bills, amendments, and joint resolutions shall be examined under the supervision of the Secretary of the Senate before they go out of the possession of the Senate, and all bills and joint resolutions which shall have passed both Houses shall be examined under the supervision of the Secretary of the Senate, to see that the same are correctly enrolled, and, when signed by the Speaker of the House and the President of the Senate, the Secretary of the Senate shall forthwith present the same, when they shall have originated in the Senate, to the President of the United States and report the fact and date of such presentation to the Senate.

6. All other resolutions shall lie over one day for consideration, if not referred, unless by unanimous consent the Senate shall otherwise direct. When objection is heard to the immediate consideration of a resolution or motion when it is submitted, it shall be placed on the Calendar under the heading of "Resolutions and Motions over, under the Rule," to be laid before the Senate on the next legislative day when there is no further morning business but before the close of morning business and before the termination of the morning hour. 14.6

7. When a bill or joint resolution shall have been ordered to be read a third time, it shall not be in order to propose amendments, unless by unanimous consent, but it shall be in order at any time before the passage of any bill or resolution to move its commitment; and when the bill or resolution shall again be reported from the committee it shall be placed on the Calendar. 14.7

8. When a bill or resolution is accompanied by a preamble, the question shall first be put on the bill or resolution and then on the preamble, which may be withdrawn by a mover before an amendment of the same, or ordering of the yeas and nays; or it may be laid on the table without prejudice to the bill or resolution, and shall be a final disposition of such preamble. 14.8

9. Whenever a private bill, except a bill for a pension, is under consideration, it shall be in order to move the adoption of a resolution to refer the bill to the Chief Commissioner of the Court of Claims for a report in conformity with section 2509 of title 28, United States Code. 14.9

10. No private bill or resolution (including so-called omnibus claims or pension bills), and no amendment to any bill or resolution, authorizing or directing (1) the payment of money for property damages, personal injuries, or death, for which a claim may be filed under chapter 171 of title 28, United States Code, or for a pension (other than to carry out a provision of law or treaty stipulation); (2) the construction of a bridge across a navigable stream; or (3) the correction of a military or naval record, shall be received or considered. 14.10

15 RULE XV

AMENDMENTS AND MOTIONS

15.1 1. All motions and amendments shall be reduced to writing, if desired by the Presiding Officer or by any Senator, and shall be read before the same shall be debated.

15.2 2. Any motion, amendment, or resolution may be withdrawn or modified by the mover at any time before a decision, amendment, or ordering of the yeas and nays, except a motion to reconsider, which shall not be withdrawn without leave.

15.3 3. If the question in debate contains several propositions, any Senator may have the same divided, except a motion to strike out and insert, which shall not be divided; but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition; nor shall it prevent a motion simply to strike out; nor shall the rejection of a motion to strike out prevent a motion to strike out and insert. But pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded for the purpose of amendment as a question, and motions to amend the part to be stricken out shall have precedence.

15.4 4. When an amendment proposed to any pending measure is laid on the table, it shall not carry with it, or prejudice, such measure.

15.5 5. It shall not be in order to consider any proposed committee amendment (other than a technical, clerical, or conforming amendment) which contains any significant matter not within the jurisdiction of the committee proposing such amendment.

16 RULE XVI

APPROPRIATIONS AND AMENDMENTS TO GENERAL APPROPRIATIONS BILLS

16.1 1. On a point of order made by any Senator, no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act or resolution previously passed by the Senate during that session; or unless the same be moved by direction of the Committee on Appropriations or of a committee of the Senate having legislative jurisdiction of the subject matter, or proposed in pursuance of an estimate submitted in accordance with law.

2. The Committee on Appropriations shall not report an appropriation bill containing amendments to such bill proposing new or general legislation or any restriction on the expenditure of the funds appropriated which proposes a limitation not authorized by law if such restriction is to take effect or cease to be effective upon the happening of a contingency, and if an appropriation bill is reported to the Senate containing amendments to such bill proposing new or general legislation or any such restriction, a point of order may be made against the bill, and if the point is sustained, the bill shall be recommitted to the Committee on Appropriations. 16.2

3. All amendments to general appropriation bills moved by direction of a committee having legislative jurisdiction of the subject matter proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the Committee on Appropriations, and when actually proposed to the bill no amendment proposing to increase the amount stated in such amendment shall be received on a point of order made by any Senator. 16.3

4. On a point of order made by any Senator, no amendment offered by any other Senator which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; nor shall any restriction on the expenditure of the funds appropriated which proposes a limitation not authorized by law be received if such restriction is to take effect or cease to be effective upon the happening of a contingency; and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate; and any such amendment or restriction to a general appropriation bill may be laid on the table without prejudice to the bill. 16.4

16.5 5. On a point of order made by any Senator, no amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

16.6 6. When a point of order is made against any restriction on the expenditure of funds appropriated in a general appropriation bill on the ground that the restriction violates this rule, the rule shall be construed strictly and, in case of doubt, in favor of the point of order.

16.7 7. Every report on general appropriation bills filed by the Committee on Appropriations shall identify with particularity each recommended amendment which proposes an item of appropriation which is not made to carry out the provisions of an existing law, a treaty stipulation, or an act or resolution previously passed by the Senate during that session.

16.8 8. On a point of order made by any Senator, no general appropriation bill or amendment thereto shall be received or considered if it contains a provision reappropriating unexpended balances of appropriations; except that this provision shall not apply to appropriations in continuation of appropriations for public works on which work has commenced.

17 RULE XVII

REFERENCE TO COMMITTEES; MOTIONS TO DISCHARGE; REPORTS OF COMMITTEES; AND HEARINGS AVAILABLE

17.1 1. Except as provided in paragraph 3, in any case in which a controversy arises as to the jurisdiction of any committee with respect to any proposed legislation, the question of jurisdiction shall be decided by the presiding officer, without debate, in favor of the committee which has jurisdiction over the subject matter which predominates in such proposed legislation; but such decision shall be subject to an appeal.

17.2 2. A motion simply to refer shall not be open to amendment, except to add instructions.

17.3a 3. (a) Upon motion by both the majority leader or his designee and the minority leader or his designee, proposed legislation may be referred to two or more committees jointly or sequentially. Notice of such motion and the proposed legislation to which it relates shall be printed in the Congressional Record. The motion shall be privileged, but it shall not be in order until the Congressional Record in which the notice is printed has been available to Senators for at least twenty-four hours. No amendment to any such motion shall be in order except amendments to any instructions contained therein. Debate on any such motion, and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than two hours, the time to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(b) Proposed legislation which is referred to two or more committees jointly may be reported only by such committees jointly and only one report may accompany any proposed legislation so jointly reported. 17.3b

(c) A motion to refer any proposed legislation to two or more committees sequentially shall specify the order of referral. 17.3c

(d) Any motion under this paragraph may specify the portion or portions of proposed legislation to be considered by the committees, or any of them, to which such proposed legislation is referred, and such committees or committee shall be limited, in the consideration of such proposed legislation, to the portion or portions so specified. 17.3d

(e) Any motion under this subparagraph may contain instructions with respect to the time allowed for consideration by the committees, or any of them, to which proposed legislation is referred and the discharge of such committees, or any of them, from further consideration of such proposed legislation. 17.3e

4. (a) All reports of committees and motions to discharge a committee from the consideration of a subject, and all subjects from which a committee shall be discharged, shall lie over one day for consideration, unless by unanimous consent the Senate shall otherwise direct. 17.4a

(b) Whenever any committee (except the Committee on Appropriations) has reported any measure, by action taken in conformity with the requirements of paragraph 7 of rule XXVI, no point of order shall lie with respect to that measure on the ground that hearings upon that measure by the committee were not conducted in accordance with the provisions of paragraph 4 of rule XXVI. 17.4b

17.5 5.[2] Any measure or matter reported by any standing committee shall not be considered in the Senate unless the report of that committee upon that measure or matter has been available to Members for at least two calendar days (excluding Sundays and legal holidays) prior to the consideration of that measure or matter. If hearings have been held on any such measure or matter so reported, the committee reporting the measure or matter shall make every reasonable effort to have such hearings printed and available for distribution to the Members of the Senate prior to the consideration of such measure or matter in the Senate. This paragraph—

(1) may be waived by joint agreement of the majority leader and the minority leader of the Senate; and

(2) shall not apply to—

(A) any measure for the declaration of war, or the declaration of a national emergency, by the Congress, and

(B) any executive decision, determination, or action which would become, or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress.

18 RULE XVIII

BUSINESS CONTINUED FROM SESSION TO SESSION

At the second or any subsequent session of a Congress the legislative business of the Senate which remained undetermined at the close of the next preceding session of that Congress shall be resumed and proceeded with in the same manner as if no adjournment of the Senate had taken place.

19 RULE XIX

DEBATE

19.1a 1. (a) When a Senator desires to speak, he shall rise and address the Presiding Officer, and shall not proceed until he is recognized, and the Presiding Officer shall recognize the Senator who shall first address him. No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the Presiding Officer, and no Senator shall speak more than twice upon any one question in debate on the same legislative day without leave of the Senate, which shall be determined without debate.

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[2] As amended by S. Res. 28, 99-2, Feb. 27, 1986.

(b) At the conclusion of the morning hour at the beginning of a new legislative day or after the unfinished business or any pending business has first been laid before the Senate on any calendar day, and until after the duration of three hours of actual session after such business is laid down except as determined to the contrary by unanimous consent or on motion without debate, all debate shall be germane and confined to the specific question then pending before the Senate. **19.1b**

2. No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator. **19.2**

3. No Senator in debate shall refer offensively to any State of the Union. **19.3**

4. If any Senator, in speaking or otherwise, in the opinion of the Presiding Officer transgress the rules of the Senate the Presiding Officer shall, either on his own motion or at the request of any other Senator, call him to order; and when a Senator shall be called to order he shall take his seat, and may not proceed without leave of the Senate, which, if granted, shall be upon motion that he be allowed to proceed in order, which motion shall be determined without debate. Any Senator directed by the Presiding Officer to take his seat, and any Senator requesting the Presiding Officer to require a Senator to take his seat, may appeal from the ruling of the Chair, which appeal shall be open to debate. **19.4**

5. If a Senator be called to order for words spoken in debate, upon the demand of the Senator or of any other Senator, the exceptionable words shall be taken down in writing, and read at the table for the information of the Senate. **19.5**

6. Whenever confusion arises in the Chamber or the galleries, or demonstrations of approval or disapproval are indulged in by the occupants of the galleries, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. **19.6**

7. No Senator shall introduce to or bring to the attention of the Senate during its sessions any occupant in the **19.7**

galleries of the Senate. No motion to suspend this rule shall be in order, nor may the Presiding Officer entertain any request to suspend it by unanimous consent.

19.8 8. Former Presidents of the United States shall be entitled to address the Senate upon appropriate notice to the Presiding Officer who shall thereupon make the necessary arrangements.

20 RULE XX

QUESTIONS OF ORDER

20.1 1. A question of order may be raised at any stage of the proceedings, except when the Senate is voting or ascertaining the presence of a quorum, and, unless submitted to the Senate, shall be decided by the Presiding Officer without debate, subject to an appeal to the Senate. When an appeal is taken, any subsequent question of order which may arise before the decision of such appeal shall be decided by the Presiding Officer without debate; and every appeal therefrom shall be decided at once, and without debate; and any appeal may be laid on the table without prejudice to the pending proposition, and thereupon shall be held as affirming the decision of the Presiding Officer.

20.2 2. The Presiding Officer may submit any question of order for the decision of the Senate.

21 RULE XXI

SESSION WITH CLOSED DOORS

21.1 1. On a motion made and seconded to close the doors of the Senate, on the discussion of any business which may, in the opinion of a Senator, require secrecy, the Presiding Officer shall direct the galleries to be cleared; and during the discussion of such motion the doors shall remain closed.

21.2 2. When the Senate meets in closed session, any applicable provisions of rules XXIX and XXXI, including the confidentiality of information shall apply to any information and to the conduct of any debate transacted.

RULE XXII 22

PRECEDENCE OF MOTIONS

1. When a question is pending, no motion shall be received but— 22.1

To adjourn.

To adjourn to a day certain, or that when the Senate adjourn it shall be to a day certain.

To take a recess.

To proceed to the consideration of executive business

To lay on the table.

To postpone indefinitely.

To postpone to a day certain.

To commit.

To amend.

Which several motions shall have precedence as they stand arranged; and the motions relating to adjournment, to take a recess, to proceed to the consideration of executive business, to lay on the table, shall be decided without debate.

2.[3] Notwithstanding the provisions of rule II or rule IV 22.2 or any other rule of the Senate, at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer, or clerk at the direction of the Presiding Officer, shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the clerk call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question:

"Is it the sense of the Senate that the debate shall be brought to a close?"

And if that question shall be decided in the affirmative by three-fifths of the Senators duly chosen and sworn—except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators present and voting—then said measure, motion, or other matter pending before the

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[3] As amended by S. Res. 28, 99–2, Feb. 27, 1986.

Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be proposed after the vote to bring the debate to a close, unless it had been submitted in writing to the Journal Clerk by 1 o'clock p.m. on the day following the filing of the cloture motion if an amendment in the first degree, and unless it had been so submitted at least one hour prior to the beginning of the cloture vote if an amendment in the second degree. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

After no more than thirty hours of consideration of the measure, motion, or other matter on which cloture has been invoked, the Senate shall proceed, without any further debate on any question, to vote on the final disposition thereof to the exclusion of all amendments not then actually pending before the Senate at that time and to the exclusion of all motions, except a motion to table, or to reconsider and one quorum call on demand to establish the presence of a quorum (and motions required to establish a quorum) immediately before the final vote begins. The thirty hours may be increased by the adoption of a motion, decided without debate, by a three-fifths affirmative vote of the Senators duly chosen and sworn, and any such time thus agreed upon shall be equally divided between and controlled by the Majority and Minority Leaders or their designees. However, only one motion to extend time, specified above, may be made in any one calendar day.

If, for any reason, a measure or matter is reprinted after cloture has been invoked, amendments which were in order prior to the reprinting of the measure or matter will continue to be in order and may be conformed and reprinted at the request of the amendment's sponsor. The conforming changes must be limited to lineation and pagination.

No Senator shall call up more than two amendments until every other Senator shall have had the opportunity to do likewise.

Notwithstanding other provisions of this rule, a Senator may yield all or part of his one hour to the majority or minority floor managers of the measure, motion, or matter or to the Majority or Minority Leader, but each Senator specified shall not have more than two hours so yielded to him and may in turn yield such time to other Senators.

Notwithstanding any other provision of this rule, any Senator who has not used or yielded at least ten minutes, is, if he seeks recognition, guaranteed up to ten minutes, inclusive, to speak only.

After cloture is invoked, the reading of any amendment, including House amendments, shall be dispensed with when the proposed amendment has been identified and has been available in printed form at the desk of the Members for not less than twenty-four hours.

RULE XXIII 23

PRIVILEGE OF THE FLOOR

Other than the Vice President and Senators, no person shall be admitted to the floor of the Senate while in session, except as follows:

The President of the United States and his private secretary.

The President elect and Vice President elect of the United States.

Ex-Presidents and ex-Vice Presidents of the United States.

Judges of the Supreme Court.

Ex-Senators and Senators elect.

The officers and employees of the Senate in the discharge of their official duties.

Ex-Secretaries and ex-Sergeants at Arms of the Senate.

Members of the House of Representatives and Members elect.

Ex-Speakers of the House of Representatives.

The Sergeant at Arms of the House and his chief deputy and the Clerk of the House and his deputy.

Heads of the Executive Departments.

Ambassadors and Ministers of the United States.

Governors of States and Territories.

Members of the Joint Chiefs of Staff.

The General Commanding the Army.

The Senior Admiral of the Navy on the active list.

Members of National Legislatures of foreign countries and Members of the European Parliament.

Judges of the Court of Claims.

The Mayor of the District of Columbia.

The Librarian of Congress and the Assistant Librarian in charge of the Law Library.

The Architect of the Capitol.

The Chaplain of the House of Representatives.

The Secretary of the Smithsonian Institution.

The Parliamentarian Emeritus of the Senate.

Members of the staffs of committees of the Senate and joint committees of the Congress when in the discharge of their official duties and employees in the office of a Senator when in the discharge of their official duties (but in each case subject to such rules or regulations as may be prescribed by the Committee on Rules and Administration). Senate committee staff members and employees in the office of a Senator must be on the payroll of the Senate and members of joint committee staffs must be on the payroll of the Senate or the House of Representatives.

24 RULE XXIV

APPOINTMENT OF COMMITTEES

24.1 1. In the appointment of the standing committees, or to fill vacancies thereon, the Senate, unless otherwise ordered, shall by resolution appoint the chairman of each such committee and the other members thereof. On demand of any Senator, a separate vote shall be had on the appointment of the chairman of any such committee and on the appointment of the other members thereof. Each such resolution shall be subject to amendment and to division of the question.

24.2 2. On demand of one-fifth of the Senators present, a quorum being present, any vote taken pursuant to paragraph 1 shall be by ballot.

24.3 3. Except as otherwise provided or unless otherwise ordered, all other committees, and the chairmen thereof, shall be appointed in the same manner as standing committees.

4. When a chairman of a committee shall resign or cease to serve on a committee, action by the Senate to fill the vacancy in such committee, unless specially otherwise ordered, shall be only to fill up the number of members of the committee, and the election of a new chairman. 24.4

RULE XXV 25

STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions: 25.1

(a) (1) **Committee on Agriculture, Nutrition, and Forestry,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects: 25.1a

1. Agricultural economics and research.
2. Agricultural extension services and experiment stations.
3. Agricultural production, marketing, and stabilization of prices.
4. Agriculture and agricultural commodities.
5. Animal industry and diseases.
6. Crop insurance and soil conservation.
7. Farm credit and farm security.
8. Food from fresh waters.
9. Food stamp programs.
10. Forestry, and forest reserves and wilderness areas other than those created from the public domain.
11. Home economics.
12. Human nutrition.
13. Inspection of livestock, meat, and agricultural products.
14. Pests and pesticides.
15. Plant industry, soils, and agricultural engineering.
16. Rural development, rural electrification, and watersheds.
17. School nutrition programs.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to food, nutrition,

and hunger, both in the United States and in foreign countries, and rural affairs, and report thereon from time to time.

25.1b (b) **Committee on Appropriations**, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Appropriation of the revenue for the support of the Government, except as provided in subparagraph (e).
2. Rescission of appropriations contained in appropriation Acts (referred to in section 105 of title 1, United States Code).
3. The amount of new spending authority described in section 401(c)(2) (A) and (B) of the Congressional Budget Act of 1974 which is to be effective for a fiscal year.
4. New spending authority described in section 401(c)(2)(C) of the Congressional Budget Act of 1974 provided in bills and resolutions referred to the committee under section 401(b)(2) of that Act (but subject to the provisions of section 401(b)(3) of that Act).

25.1c (c) (1) **Committee on Armed Services**, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Aeronautical and space activities peculiar to or primarily associated with the development of weapons systems or military operations.
2. Common defense.
3. Department of Defense, the Department of the Army, the Department of the Navy, and the Department of the Air Force, generally.
4. Maintenance and operation of the Panama Canal, including administration, sanitation, and government of the Canal Zone.
5. Military research and development.
6. National security aspects of nuclear energy.
7. Naval petroleum reserves, except those in Alaska.
8. Pay, promotion, retirement, and other benefits and privileges of members of the Armed Forces, including overseas education of civilian and military dependents.
9. Selective service system.
10. Strategic and critical materials necessary for the common defense.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to the common defense policy of the United States, and report thereon from time to time.

(d) (1) **Committee on Banking, Housing, and Urban Affairs,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects: 25.1d

1. Banks, banking, and financial institutions.
2. Control of prices of commodities, rents, and services.
3. Deposit insurance.
4. Economic stabilization and defense production.
5. Export and foreign trade promotion.
6. Export controls.
7. Federal monetary policy, including Federal Reserve System.
8. Financial aid to commerce and industry.
9. Issuance and redemption of notes.
10. Money and credit, including currency and coinage.
11. Nursing home construction.
12. Public and private housing (including veterans' housing).
13. Renegotiation of Government contracts.
14. Urban development and urban mass transit.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to international economic policy as it affects United States monetary affairs, credit, and financial institutions; economic growth, urban affairs, and credit, and report thereon from time to time.

(e) (1) **Committee on the Budget,** to which committee shall be referred all concurrent resolutions on the budget (as defined in section 3(a)(4) of the Congressional Budget Act of 1974) and all other matters required to be referred to that committee under titles III and IV of that Act, and messages, petitions, memorials, and other matters relating thereto. 25.1e

(2) Such committee shall have the duty—

(A) to report the matters required to be reported by it under titles III and IV of the Congressional Budget Act of 1974;

(B) to make continuing studies of the effect on budget outlays of relevant existing and proposed legislation and to report the results of such studies to the Senate on a recurring basis;

(C) to request and evaluate continuing studies of tax expenditures, to devise methods of coordinating tax expenditures, policies, and programs with direct budget outlays, and to report the results of such studies to the Senate on a recurring basis; and

(D) to review, on a continuing basis, the conduct by the Congressional Budget Office of its functions and duties.

25.1f (f) (1) **Committee on Commerce, Science, and Transportation,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Coast Guard.
2. Coastal zone management.
3. Communications.
4. Highway safety.
5. Inland waterways, except construction.
6. Interstate commerce.
7. Marine and ocean navigation, safety, and transportation, including navigational aspects of deepwater ports.
8. Marine fisheries.
9. Merchant marine and navigation.
10. Nonmilitary aeronautical and space sciences.
11. Oceans, weather, and atmospheric activities.
12. Panama Canal and interoceanic canals generally, except as provided in subparagraph (c).
13. Regulation of consumer products and services, including testing related to toxic substances, other than pesticides, and except for credit, financial services, and housing.
14. Regulation of interstate common carriers, including railroads, buses, trucks, vessels, pipelines, and civil aviation.
15. Science, engineering, and technology research and development and policy.
16. Sports.
17. Standards and measurement.
18. Transportation.
19. Transportation and commerce aspects of Outer Continental Shelf lands.

(2) Such committee shall also study and review, on a comprehensive basis, all matters relating to science and technology, oceans policy, transportation, communications,

and consumer affairs, and report thereon from time to time.

(g) (1) **Committee on Energy and Natural Resources,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects: 25.1g

1. Coal production, distribution, and utilization.
2. Energy policy.
3. Energy regulation and conservation.
4. Energy related aspects of deepwater ports.
5. Energy research and development.
6. Extraction of minerals from oceans and Outer Continental Shelf lands.
7. Hydroelectric power, irrigation, and reclamation.
8. Mining education and research.
9. Mining, mineral lands, mining claims, and mineral conservation.
10. National parks, recreation areas, wilderness areas, wild and scenic rivers, historical sites, military parks and battlefields, and on the public domain, preservation of prehistoric ruins and objects of interest.
11. Naval petroleum reserves in Alaska.
12. Nonmilitary development of nuclear energy.
13. Oil and gas production and distribution.
14. Public lands and forests, including farming and grazing thereon, and mineral extraction therefrom.
15. Solar energy systems.
16. Territorial possessions of the United States, including trusteeships.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to energy and resources development, and report thereon from time to time.

(h) (1) **Committee on Environment and Public Works,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects: 25.1h

1. Air pollution.
2. Construction and maintenance of highways.
3. Environmental aspects of Outer Continental Shelf lands.
4. Environmental effects of toxic substances, other than pesticides.
5. Environmental policy.

6. Environmental research and development.

7. Fisheries and wildlife.

8. Flood control and improvements of rivers and harbors, including environmental aspects of deepwater ports.

9. Noise pollution.

10. Nonmilitary environmental regulation and control of nuclear energy.

11. Ocean dumping.

12. Public buildings and improved grounds of the United States generally, including Federal buildings in the District of Columbia.

13. Public works, bridges, and dams.

14. Regional economic development.

15. Solid waste disposal and recycling.

16. Water pollution.

17. Water resources.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to environmental protection and resource utilization and conservation, and report thereon from time to time.

25.1i (i) **Committee on Finance**, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Bonded debt of the United States, except as provided in the Congressional Budget Act of 1974.

2. Customs, collection districts, and ports of entry and delivery.

3. Deposit of public moneys.

4. General revenue sharing.

5. Health programs under the Social Security Act and health programs financed by a specific tax or trust fund.

6. National social security.

7. Reciprocal trade agreements.

8. Revenue measures generally, except as provided in the Congressional Budget Act of 1974.

9. Revenue measures relating to the insular possessions.

10. Tariffs and import quotas, and matters related thereto.

11. Transportation of dutiable goods.

25.1j (j) (1) **Committee on Foreign Relations**, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Acquisition of land and buildings for embassies and legations in foreign countries.

2. Boundaries of the United States.

3. Diplomatic service.

4. Foreign economic, military, technical, and humanitarian assistance.

5. Foreign loans.

6. International activities of the American National Red Cross and the International Committee of the Red Cross.

7. International aspects of nuclear energy, including nuclear transfer policy.

8. International conferences and congresses.

9. International law as it relates to foreign policy.

10. International Monetary Fund and other international organizations established primarily for international monetary purposes (except that, at the request of the Committee on Banking, Housing, and Urban Affairs, any proposed legislation relating to such subjects reported by the Committee on Foreign Relations shall be referred to the Committee on Banking, Housing, and Urban Affairs).

11. Intervention abroad and declarations of war.

12. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.

13. National security and international aspects of trusteeships of the United States.

14. Oceans and international environmental and scientific affairs as they relate to foreign policy.

15. Protection of United States citizens abroad and expatriation.

16. Relations of the United States with foreign nations generally.

17. Treaties and executive agreements, except reciprocal trade agreements.

18. United Nations and its affiliated organizations.

19. World Bank group, the regional development banks, and other international organizations established primarily for development assistance purposes.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to the national security policy, foreign policy, and international economic policy as it relates to foreign policy of the United States, and matters relating to food, hunger, and nutrition in foreign countries, and report thereon from time to time.

25.1k (k) (1) **Committee on Governmental Affairs**, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Archives of the United States.
2. Budget and accounting measures, other than appropriations, except as provided in the Congressional Budget Act of 1974.
3. Census and collection of statistics, including economic and social statistics.
4. Congressional organization, except for any part of the matter that amends the rules or orders of the Senate.
5. Federal Civil Service.
6. Government information.
7. Intergovernmental relations.
8. Municipal affairs of the District of Columbia, except appropriations therefor.
9. Organization and management of United States nuclear export policy.
10. Organization and reorganization of the executive branch of the Government.
11. Postal Service.
12. Status of officers and employees of the United States, including their classification, compensation, and benefits.

(2) Such committee shall have the duty of—

(A) receiving and examining reports of the Comptroller General of the United States and of submitting such recommendations to the Senate as it deems necessary or desirable in connection with the subject matter of such reports;

(B) studying the efficiency, economy, and effectiveness of all agencies and departments of the Government;

(C) evaluating the effects of laws enacted to reorganize the legislative and executive branches of the Government; and

(D) studying the intergovernmental relationships between the United States and the States and municipalities, and between the United States and international organizations of which the United States is a member.

25.1l (l) **Committee on the Judiciary**, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Apportionment of Representatives.
2. Bankruptcy, mutiny, espionage, and counterfeiting.
3. Civil liberties.
4. Constitutional amendments.
5. Federal courts and judges.
6. Government information.
7. Holidays and celebrations.
8. Immigration and naturalization.
9. Interstate compacts generally.
10. Judicial proceedings, civil and criminal, generally.
11. Local courts in the territories and possessions.
12. Measures relating to claims against the United States.
13. National penitentiaries.
14. Patent Office.
15. Patents, copyrights, and trademarks.
16. Protection of trade and commerce against unlawful restraints and monopolies.
17. Revision and codification of the statutes of the United States.
18. State and territorial boundary lines.

(m) (1) **Committee on Labor and Human Resources**, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects: 25.1m

1. Measures relating to education, labor, health, and public welfare.
2. Aging.
3. Agricultural colleges.
4. Arts and humanities.
5. Biomedical research and development.
6. Child labor.
7. Convict labor and the entry of goods made by convicts into interstate commerce.
8. Domestic activities of the American National Red Cross.
9. Equal employment opportunity.
10. Gallaudet College, Howard University, and Saint Elizabeths Hospital.
11. Handicapped individuals.
12. Labor standards and labor statistics.
13. Mediation and arbitration of labor disputes.

14. Occupational safety and health, including the welfare of miners.

15. Private pension plans.

16. Public health.

17. Railway labor and retirement.

18. Regulation of foreign laborers.

19. Student loans.

20. Wages and hours of labor.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to health, education and training, and public welfare, and report thereon from time to time.

25.1n (n) (1) **Committee on Rules and Administration,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Administration of the Senate Office Buildings and the Senate wing of the Capitol, including the assignment of office space.

2. Congressional organization relative to rules and procedures, and Senate rules and regulations, including floor and gallery rules.

3. Corrupt practices.

4. Credentials and qualifications of Members of the Senate, contested elections, and acceptance of incompatible offices.

5. Federal elections generally, including the election of the President, Vice President, and Members of the Congress.

6. Government Printing Office, and the printing and correction of the Congressional Record, as well as those matters provided for under rule XI.

7. Meetings of the Congress and attendance of Members.

8. Payment of money out of the contingent fund of the Senate or creating a charge upon the same (except that any resolution relating to substantive matter within the jurisdiction of any other standing committee of the Senate shall be first referred to such committee).

9. Presidential succession.

10. Purchase of books and manuscripts and erection of monuments to the memory of individuals.

11. Senate Library and statuary, art, and pictures in the Capitol and Senate Office Buildings.

12. Services to the Senate, including the Senate restaurant.

13. United States Capitol and congressional office buildings, the Library of Congress, the Smithsonian Institution (and the incorporation of similar institutions), and the Botanic Gardens.

(2) Such committee shall also—

(A) make a continuing study of the organization and operation of the Congress of the United States and shall recommend improvements in such organization and operation with a view toward strengthening the Congress, simplifying its operations, improving its relationships with other branches of the United States Government, and enabling it better to meet its responsibilities under the Constitution of the United States; and

(B) identify any court proceeding or action which, in the opinion of the Committee, is of vital interest to the Congress as a constitutionally established institution of the Federal Government and call such proceeding or action to the attention of the Senate.

(o)(1)[4] **Committee on Small Business**, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the Small Business Administration. 25.1o

(2) Any proposed legislation reported by such committee which relates to matters other than the functions of the Small Business Administration shall, at the request of the chairman of any standing committee having jurisdiction over the subject matter extraneous to the functions of the Small Business Administration, be considered and reported by such standing committee prior to its consideration by the Senate; and likewise measures reported by other committees directly relating to the Small Business Administration shall, at the request of the chairman of the Committee on Small Business, be referred to the Committee on Small Business for its consideration of any portions of the measure dealing with the Small Business Administration, and be reported by this committee prior to its consideration by the Senate.

(3) Such committee shall also study and survey by means of research and investigation all problems of Amer-

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[4] As added, S. Res. 101, 97-1, Mar. 25, 1981.

ican small business enterprises, and report thereon from time to time.

25.1p (p)[5] **Committee on Veterans' Affairs,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Compensation of veterans.
2. Life insurance issued by the Government on account of service in the Armed Forces.
3. National cemeteries.
4. Pensions of all wars of the United States, general and special.
5. Readjustment of servicemen to civil life.
6. Soldiers' and sailors' civil relief.
7. Veterans' hospitals, medical care and treatment of veterans.
8. Veterans' measures generally.
9. Vocational rehabilitation and education of veterans.

25.2 2.[6] Except as otherwise provided by paragraph 4 of this rule, each of the following standing committees shall consist of the number of Senators set forth in the following table on the line on which the name of that committee appears:

Committee:	Members
Agriculture, Nutrition, and Forestry	19
Appropriations	29
Armed Services	20
Banking, Housing, and Urban Affairs	21
Commerce, Science, and Transportation	20
Energy and Natural Resources	19
Environment and Public Works	16
Finance	20
Foreign Relations	19
Governmental Affairs	14
Judiciary	14
Labor and Human Resources	16.

25.3a 3. (a)[7] Except as otherwise provided by paragraph 4 of this rule, each of the following standing committees shall consist of the number of Senators set forth in the following table on the line on which the name of that committee appears:

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[5] Redesignated as subparagraph (p) by S. Res. 101, 97-1, Mar. 25, 1981.

[6] As amended, S. Res. 13, 97-1, Jan. 5, 1981; S. Res. 365, 97-2, Apr. 20, 1982; S. Res. 380, 97-2, Apr. 27, 1982; S. Res. 6, 98-1, Jan. 3, 1983; S. Res. 20, 98-1, Jan. 27, 1983; S. Res. 53, 98-1, Feb. 3, 1983; S. Res. 338, 98-2, Feb. 9, 1984; S. Res. 74, 99-1, Feb. 21, 1985; S. Res. 14, 100-1, Jan. 6, 1987; S. Res. 211, 100-1, May 12, 1987; S. Res. 43, 101-1, Feb. 2, 1989.

[7] As amended, S. Res. 13, 97-1, Jan. 5, 1981; S. Res. 101, 97-1, Mar. 25, 1981; S. Res. 6, 98-1, Jan 3, 1983; S. Res. 88, 99-1, Mar. 5, 1985; S. Res. 14, 100-1, Jan. 6, 1987; S. Res. 43, 101-1, Feb. 2, 1989.

Committee:	Members
Budget	23
Rules and Administration	16
Veterans' Affairs	11
Small Business	19.

(b)[8] Each of the following committees and joint committees shall consist of the number of Senators (or Senate members, in the case of a joint committee) set forth in the following table on the line on which the name of that committee appears: 25.3b

Committee:	Members
Aging	19
Intelligence	15
Joint Economic Committee	10.

(c)[9] Each of the following committees and joint committees shall consist of the number of Senators (or Senate members, in the case of a joint committee) set forth in the following table on the line on which the name of that committee appears: 25.3c

Committee:	Members
Ethics	6
Indian Affairs	10
Joint Committee on Taxation	5.

4. (a) Except as otherwise provided by this paragraph— 25.4a

(1) each Senator shall serve on two and no more committees listed in paragraph 2; and

(2) each Senator may serve on only one committee listed in paragraph 3 (a) or (b).

(b) (1) Each Senator may serve on not more than three subcommittees of each committee (other than the Committee on Appropriations) listed in paragraph 2 of which he is a member. 25.4b

(2) Each Senator may serve on not more than two subcommittees of a committee listed in paragraph 3 (a) or (b) of which he is a member.

(3) Notwithstanding subparagraphs (1) and (2), a Senator serving as chairman or ranking minority member of a

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[8] As amended, S. Res. 13, 97-1, Jan. 5, 1981; S. Res. 24, 97-1, Jan. 19, 1981; S. Res. 101, 97-1, Mar. 25, 1981.

[9] As amended, S. Res. 448, 96-2, Dec. 11, 1980; S. Res. 88, 99-1, Mar. 5, 1985; S. Res. 14, 100-1, Jan. 6, 1987; S. Res. 100, 101-1, Apr. 11, 1989.

standing, select, or special committee of the Senate or joint committee of the Congress may serve ex officio, without vote, as a member of any subcommittee of such committee or joint committee.

(4) No committee of the Senate may establish any subunit of that committee other than a subcommittee, unless the Senate by resolution has given permission therefor. For purposes of this subparagraph, any subunit of a joint committee shall be treated as a subcommittee.

25.4c (c) By agreement entered into by the majority leader and the minority leader, the membership of one or more standing committees may be increased temporarily from time to time by such number or numbers as may be required to accord to the majority party a majority of the membership of all standing committees. When any such temporary increase is necessary to accord to the majority party a majority of the membership of all standing committees, members of the majority party in such number as may be required for that purpose may serve as members of three standing committees listed in paragraph 2. No such temporary increase in the membership of any standing committee under this subparagraph shall be continued in effect after the need therefor has ended. No standing committee may be increased in membership under this subparagraph by more than two members in excess of the number prescribed for that committee by paragraph 2 or 3(a).

25.4d (d) A Senator may serve as a member of any joint committee of the Congress the Senate members of which are required by law to be appointed from a standing committee of the Senate of which he is a member, and service as a member of any such joint committee shall not be taken into account for purposes of subparagraph (a)(2).

25.4e (e) (1) No Senator shall serve at any time as chairman of more than one standing, select, or special committee of the Senate or joint committee of the Congress, except that a Senator may serve as chairman of any joint committee of the Congress having jurisdiction with respect to a subject matter which is directly related to the jurisdiction of a standing committee of which he is chairman.

(2) No Senator shall serve at any time as chairman of more than one subcommittee of each standing, select, or special committee of the Senate or joint committee of the Congress of which he is a member.

(3) A Senator who is serving as the chairman of a committee listed in paragraph 2 may serve at any time as the chairman of only one subcommittee of all committees listed in paragraph 2 of which he is a member and may serve at any time as the chairman of only one subcommittee of each committee listed in paragraph 3 (a) or (b) of which he is a member. A Senator who is serving as the chairman of a committee listed in paragraph 3 (a) or (b) may not serve as the chairman of any subcommittee of that committee, and may serve at any time as the chairman of only one subcommittee of each committee listed in paragraph 2 of which he is a member. Any other Senator may serve as the chairman of only one subcommittee of each committee listed in paragraph 2, 3(a), or 3(b) of which he is a member.

(f) A Senator serving on the Committee on Rules and Administration may not serve on any joint committee of the Congress unless the Senate members thereof are required by law to be appointed from the Committee on Rules and Administration. 25.4f

(g) A Senator who on the day preceding the effective date of title I of the Committee System Reorganization Amendments of 1977 was serving as the chairman or ranking minority member of the Committee on the District of Columbia or the Committee on Post Office and Civil Service may serve on the Committee on Governmental Affairs in addition to serving on two other standing committees listed in paragraph 2. At the request of any such Senator, he shall be appointed to serve on such committee but, while serving on such committee and two other standing committees listed in paragraph 2, he may not serve on any committee listed in paragraph 3 (a) or (b) other than the Committee on Rules and Administration.[10] The preceding provisions of this subparagraph shall apply with respect to any Senator only so long as his service as a member of the Committee on Governmental Affairs is continuous after the date on which the appointment of the majority and minority members of the Committee on Governmental Affairs is initially completed.

(h)(1) [11] A Senator who on the last day of the One Hundredth Congress was serving as a member of the Com- 25.4h mittee on Environment and Public Works and the Committee on Finance may, during the One Hundred First Congress, also serve as a member of the Committee on Agriculture, Nutrition, and and Forestry so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

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[10] As amended, S. Res. 12, 97-1, Jan. 5, 1981.

[11] Subparagraphs (h) (1) through (25) pursuant to S. Res. 48, 101-1, Feb. 2, 1989.

(2) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Armed Services and the Committee on Energy and Natural Resources may, during the One Hundred First Congress, also serve as a member of the Committee on Governmental Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

(3)(A) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations may, during the One Hundred First Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

(B) A Senator who during the One Hundred First Congress may serve as a member on those committees listed in subparagraph (A), as well as a member of the Committee on Rules and Administration, may, during the One Hundred First Congress, also serve as a member of the Committee on the Budget so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

(4) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations may, during the One Hundred First Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no

event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

(5) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Agriculture, Nutrition, and Forestry and the Committee on the Judiciary may, during the One Hundred First Congress, also serve as a member of the Committee on Energy and Natural Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

(6)(A) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Armed Services and the Committee on the Judiciary may, during the One Hundred First Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

(B) A Senator who during the One Hundred First Congress serves on the Committee on Armed Services, the Committee on the Judiciary, and the Committee on Labor and Human Resources, and who serves as chairman of a committee listed in paragraph 2, may serve as chairman of two subcommittees of all committees listed in paragraph 2 of which he is a member.

(7) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations may, during the One Hundred First Congress, also serve as a member of the Committee on Banking, Housing, and Urban Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

(8)(A) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations may, during the One Hundred First Congress, also serve as a member of the Committee on the Judiciary so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

(B) A Senator who during the One Hundred First Congress serves on the Committee on Agriculture, Nutrition, and Forestry, the Committee on Appropriations and the Committee on the Judiciary, and who serves as chairman of a committee listed in paragraph 2, may serve as chairman of two subcommittees of all committees listed in paragraph 2 of which he is a member.

(9) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Energy and Natural Resources and the Committee on the Judiciary may, during the One Hundred First Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

(10)(A) A Senator who on the last day of the One Hundredth Congress was serving on the Committee on Environment and Public Works and the Committee on Finance may, during the One Hundred First Congress, also serve as a member of the Committee on Foreign Relations so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

(B) A Senator who on the last day of the One Hundredth Congress was serving on the Committee on Rules and Administration may, during the One Hundred First Congress, also serve as a member of the Joint Committee on Taxation so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraph 3.

(11) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Agriculture, Nutrition, and Forestry and the Committee on Finance may, during the One Hundred First Congress, also serve as a member of the Committee on Governmental Affairs so long as his service as a member of each such committee is continuous but in no event may

he serve, by reason of this subdivision as a member of more than three committees listed in paragraph 2.

(12) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Commerce, Science, and Transportation and the Committee on Finance may, during the One Hundred First Congress, also serve as a member of the Committee on Energy and Natural Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

(13) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Appropriations and the Committee on Banking, Housing, and Urban Affairs may, during the One Hundred First Congress, also serve as a member of the Committee on Governmental Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

(14) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on the Judiciary and the Committee on Labor and Human Resources may, during the One Hundred First Congress, also serve as a member of the Committee on Foreign Relations so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

(15) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Armed Services and the Committee on Energy and Natural Resources may, during the One Hundred First Congress, also serve as a member of the Committee on Banking, Housing, and Urban Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

(16) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Small Business, may, during the One Hundred

First Congress, also serve as a member of the Committee on Intelligence so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

(17) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Special Committee on Aging, may, during the One Hundred First Congress, also serve as a member of the Committee on Intelligence so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

(18) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Veterans Affairs, may, during the One Hundred First Congress, also serve as a member of the Committee on Intelligence so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

(19) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Rules and Administration, may, during the One Hundred First Congress, also serve as a member of the Committee on Veterans Affairs and the Committee on Intelligence so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than three committees listed in paragraphs 3 (a) and (b).

(20) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Rules and Administration, may, during the One Hundred First Congress, also serve as a member of the Joint Economic Committee so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

(21) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Veterans Affairs, may, during the One Hundred First Congress, also serve as a member of the Special Committee on Aging so long as his service as a member of

each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

(22) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on the Budget, may, during the One Hundred First Congress, also serve as a member of the Special Committee on Aging so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

(23) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Small Business, may, during the One Hundred First Congress, also serve as a member of the Committee on Intelligence so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

(24) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Special Committee on Aging, may, during the One Hundred First Congress, also serve as a member of the Committee on Intelligence so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

(25) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on the Budget, may, during the One Hundred First Congress, also serve as a member of the Committee on Intelligence so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

(26)[12] A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on the Judiciary, and the Committee on Armed Services may, during the One Hundred First Congress, serve as a member of the Committee on Labor and Human Resources, so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

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[12] Subparagraphs (h) (26) through (37) pursuant to S. Res. 49, 101-1, Feb. 2, 1989.

(27) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Appropriations, and the Committee on Commerce, Science, and Transportation may, during the One Hundred First Congress, serve as a member of the Committee on Governmental Affairs, so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

(28) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Finance, and the Committee on Governmental Affairs may, during the One Hundred First Congress, also serve as a member of the Committee on Banking, Housing, and Urban Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

(29) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Appropriations, and the Committee on Banking, Housing, and Urban Affairs may, during the One Hundred First Congress, serve as a member of the Committee on Energy and Natural Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

(30) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Banking, Housing, and Urban Affairs, and the Committee on Finance may, during the One Hundred First Congress, serve as a member of the Committee on Government Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

(31) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Environment and Public Works and the Committee

on Finance may, during the One Hundred First Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

(32) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Appropriations may, during the One Hundred First Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

(33) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations may, during the One Hundred First Congress, serve as a member of the Committee on Banking, Housing, and Urban Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

(34) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Foreign Relations and the Committee on the Judiciary may, during the One Hundred First Congress, serve as a member of the Committee on Environment and Public Works so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

(35) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Agriculture, Nutrition, and Forestry and the Committee on Armed Services may, during the One Hundred First Congress, also serve as a member of the Committee on Governmental Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a

member of more than three committees listed in paragraph 2.

(36) A Senator who on the last day of the One Hundredth Congress was serving as a member of the Committee on Agriculture, Nutrition, and Forestry and the Committee on Foreign Relations may, during the One Hundred First Congress, also serve as a member of the Committee on Energy and Natural Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

(37) A Senator whose term begins on January 3, 1989, may serve as a member of the Committee on Armed Services and the Committee on Commerce, Science, and Transportation and may, during the One Hundred First Congress, serve as a member of the Committee on Agriculture, Nutrition, and Forestry so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

26 RULE XXVI

COMMITTEE PROCEDURE

26.1 1.[13] Each standing committee, including any subcommittee of any such committee, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to take such testimony and to make such expenditures out of the contingent fund of the Senate as may be authorized by resolutions of the Senate. Each such committee may make investigations into any matter within its jurisdiction, may report such hearings as may be had by it, and may employ stenographic assistance at a cost not exceeding the amount prescribed by the Committee on Rules and Administration.[14] The expenses of the committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

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[13] As amended, S. Res. 281, 96-2, Mar. 11, 1980 (effective Feb. 28, 1981).

2. Each committee[15] shall adopt rules (not inconsistent with the Rules of the Senate) governing the procedure of such committee. The rules of each committee shall be published in the Congressional Record not later than March 1 of each year, except that if any such committee is established on or after February 1 of a year, the rules of that committee during the year of establishment shall be published in the Congressional Record not later than sixty days after such establishment. An amendment to the rules of any such committee shall be published in the Congressional Record not later than thirty days after the adoption of such amendment. If the Congressional Record is not published on the last day of any period referred to above, such period shall be extended until the first day thereafter on which it is published. 26.2

3. Each standing committee (except the Committee on Appropriations) shall fix regular weekly, biweekly, or monthly meeting days for the transaction of business before the committee and additional meetings may be called by the chairman as he may deem necessary. If at least three members of any such committee desire that a special meeting of the committee be called by the chairman, those members may file in the offices of the committee their written request to the chairman for that special meeting. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman of the filing of the request. If, within three calendar days after the filing of the request, the chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour of that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the 26.3

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[14] Pursuant to section 68c of title 2, United States Code, the Committee on Rules and Administration issues "Regulations Governing Rates Payable to Commercial Reporting Firms for Reporting Committee Hearings in the Senate." Copies of the regulations currently in effect may be obtained from the Committee.

[15] The term "each committee" when used in these rules includes standing, select, and special committees unless otherwise specified.

committee that such special meeting will be held and inform them of its date and hour. If the chairman of any such committee is not present at any regular, additional, or special meeting of the committee, the ranking member of the majority party on the committee who is present shall preside at that meeting.

26.4a 4. (a) Each committee (except the Committee on Appropriations and the Committee on the Budget) shall make public announcement of the date, place, and subject matter of any hearing to be conducted by the committee on any measure or matter at least one week before the commencement of that hearing unless the committee determines that there is good cause to begin such hearing at an earlier date.

26.4b (b) Each committee (except the Committee on Appropriations) shall require each witness who is to appear before the committee in any hearing to file with the clerk of the committee, at least one day before the date of the appearance of that witness, a written statement of his proposed testimony unless the committee chairman and the ranking minority member determine that there is good cause for noncompliance. If so requested by any committee, the staff of the committee shall prepare for the use of the members of the committee before each day of hearing before the committee a digest of the statements which have been so filed by witnesses who are to appear before the committee on that day.

26.4c (c) After the conclusion of each day of hearing, if so requested by any committee, the staff shall prepare for the use of the members of the committee a summary of the testimony given before the committee on that day. After approval by the chairman and the ranking minority member of the committee, each such summary may be printed as a part of the committee hearings if such hearings are ordered by the committee to be printed.

26.4d (d) Whenever any hearing is conducted by a committee (except the Committee on Appropriations) upon any measure or matter, the minority on the committee shall be entitled, upon request made by a majority of the minority members to the chairman before the completion of such hearing, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one day of hearing thereon.

5. (a) Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock postmeridian unless consent therefor has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion. **26.5a**

(b) Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings— **26.5b**

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a crimi-

nal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

26.5c (c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

26.5d (d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

26.5e (e) Each committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting or conference whether or not such meeting or any part thereof is closed under this paragraph, unless a majority of its members vote to forgo such a record.

26.6 6. Morning meetings of committees and subcommittees thereof shall be scheduled for one or both of the periods prescribed in this paragraph. The first period shall end at eleven o'clock antemeridian. The second period shall begin at eleven o'clock antemeridian and end at two o'clock postmeridian.

7. (a) (1) Except as provided in this paragraph, each committee, and each subcommittee thereof is authorized to fix the number of its members (but not less than one-third of its entire membership) who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee, except that no measure or matter or recommendation shall be reported from any committee unless a majority of the committee were physically present. 26.7a

(2) Each such committee, or subcommittee, is authorized to fix a lesser number than one-third of its entire membership who shall constitute a quorum thereof for the purpose of taking sworn testimony.

(3) The vote of any committee to report a measure or matter shall require the concurrence of a majority of the members of the committee who are present. No vote of any member of any committee to report a measure or matter may be cast by proxy if rules adopted by such committee forbid the casting of votes for that purpose by proxy; however, proxies may not be voted when the absent committee member has not been informed of the matter on which he is being recorded and has not affirmatively requested that he be so recorded. Action by any committee in reporting any measure or matter in accordance with the requirements of this subparagraph shall constitute the ratification by the committee of all action theretofore taken by the committee with respect to that measure or matter, including votes taken upon the measure or matter or any amendment thereto, and no point of order shall lie with respect to that measure or matter on the ground that such previous action with respect thereto by such committee was not taken in compliance with such requirements.

(b) Each committee (except the Committee on Appropriations) shall keep a complete record of all committee action. Such record shall include a record of the votes on any question on which a record vote is demanded. The results of rollcall votes taken in any meeting of any committee upon any measure, or any amendment thereto, shall be announced in the committee report on that measure unless previously announced by the committee, and such announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each member of the committee who was present at that meeting. 26.7b

26.7c (c) Whenever any committee by rollcall vote reports any measure or matter, the report of the committee upon such measure or matter shall include a tabulation of the votes cast by each member of the committee in favor of and in opposition to such measure or matter. Nothing contained in this subparagraph shall abrogate the power of any committee to adopt rules—

(1) providing for proxy voting on all matters other than the reporting of a measure or matter, or

(2) providing in accordance with subparagraph (a) for a lesser number as a quorum for any action other than the reporting of a measure or matter.

26.8a 8. (a) In order to assist the Senate in—

(1) its analysis, appraisal, and evaluation of the application, administration, and execution of the laws enacted by the Congress, and

(2) its formulation, consideration, and enactment of such modifications of or changes in those laws, and of such additional legislation, as may be necessary or appropriate,

each standing committee (except the Committees on Appropriations and the Budget), shall review and study, on a continuing basis the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the legislative jurisdiction of that committee. Such committees may carry out the required analysis, appraisal, and evaluation themselves, or by contract, or may require a Government agency to do so and furnish a report thereon to the Senate. Such committees may rely on such techniques as pilot testing, analysis of costs in comparison with benefits, or provision for evaluation after a defined period of time.

26.8b (b) In each odd-numbered year, each such committee shall submit, not later than March 31, to the Senate, a report on the activities of that committee under this paragraph during the Congress ending at noon on January 3 of such year.

26.9a 9.[16] (a) Except as provided in subparagraph (b), each committee shall report one authorization resolution each year authorizing the committee to make expenditures out of the contingent fund of the Senate to defray its expenses, including the compensation of members of its staff and agency contributions related to such compensation, during the period beginning on March 1 of such year and ending on the last day of February of the following year. Such annual authorization resolution shall be reported not later than January 31 of each year, except that, whenever the designation of members of standing committees of the Senate occurs during the first session of a Congress at a date later than January 20, such resolution may be reported at any time within thirty days after the date on which the designation of such members is completed. After the annual authorization resolution of a committee for a year has been agreed to, such committee may procure authorization to make additional expenditures out of the contingent fund of the Senate during that year only by reporting a supplemental authorization resolution. Each supplemental authorization resolution reported by a committee shall amend the annual authorization resolution of such committee for that year and shall be accompanied by a report specifying with particularity the purpose for which such authorization is sought and the reason why such authorization could not have been sought at the time of the submission by such committee of its annual authorization resolution for that year.

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[16] As amended, S. Res. 281, 96-2, Mar. 11, 1980 (effective Jan. 1, 1981); S. Res. 479, 100-2, Sept. 30, 1988.

(b) In lieu of the procedure provided in subparagraph (a), the Committee on Rules and Administration may— 26.9b

(1) direct each committee to report an authorization resolution for a two year budget period beginning on March 1 of the first session of a Congress; and

(2) report one authorization resolution containing more than one committee authorization for a one year or two year budget period.

10. (a) All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Member serving as chairman of the committee; and such records shall be the property of the Senate and all members of the committee and the Senate shall have access to such records. Each committee is authorized to have printed and bound such testimony and other data presented at hearings held by the committee. 26.10a

(b) It shall be the duty of the chairman of each committee to report or cause to be reported promptly to the Senate any measure approved by his committee and to 26.10b take or cause to be taken necessary steps to bring the matter to a vote. In any event, the report of any committee upon a measure which has been approved by the committee shall be filed within seven calendar days (exclusive of days on which the Senate is not in session) after the day on which there has been filed with the clerk of the committee a written and signed request of a majority of the committee for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the chairman of the committee notice of the filing of that request. This subparagraph does not apply to the Committee on Appropriations.

26.10c (c) If at the time of approval of a measure or matter by any committee (except for the Committee on Appropriations), any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than three calendar days in which to file such views, in writing, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which—

(1) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(2) shall bear upon its cover a recital that supplemental, minority, or additional views are included as part of the report.

This subparagraph does not preclude—

(A) the immediate filing and printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph; or

(B) the filing by any such committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that committee upon that measure or matter.

26.11a 11. (a) The report accompanying each bill or joint resolution of a public character reported by any committee (except the Committee on Appropriations and the Committee on the Budget) shall contain—

(1) an estimate, made by such committee, of the costs which would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported and in each of the five fiscal years following such fiscal year (or for the authorized duration of any program authorized by such bill or joint resolution, if less than five years), except that, in the case of measures affecting the revenues, such reports shall require only an estimate of the gain or loss in revenues for a one-year period; and

(2) a comparison of the estimate of costs described in subparagraph (1) made by such committee with any estimate of costs made by any Federal agency; or

(3) in lieu of such estimate or comparison, or both, a statement of the reasons why compliance by the committee with the requirements of subparagraph (1) or (2), or both, is impracticable.

(b) Each such report (except those by the Committee on Appropriations) shall also contain— 26.11b

(1) an evaluation, made by such committee, of the regulatory impact which would be incurred in carrying out the bill or joint resolution. The evaluation shall include (A) an estimate of the numbers of individuals and businesses who would be regulated and a determination of the groups and classes of such individuals and businesses, (B) a determination of the economic impact of such regulation on the individuals, consumers, and businesses affected, (C) a determination of the impact on the personal privacy of the individuals affected, and (D) a determination of the amount of additional paperwork that will result from the regulations to be promulgated pursuant to the bill or joint resolution, which determination may include, but need not be limited to, estimates of the amount of time and financial costs required of affected parties, showing whether the effects of the bill or joint resolution could be substantial, as well as reasonable estimates of the recordkeeping requirements that may be associated with the bill or joint resolution; or

(2) in lieu of such evaluation, a statement of the reasons why compliance by the committee with the requirements of clause (1) is impracticable.

(c) It shall not be in order for the Senate to consider any such bill or joint resolution if the report of the committee 26.11c on such bill or joint resolution does not comply with the provisions of subparagraphs (a) and (b) on the objection of any Senator.

26.12 12. Whenever a committee reports a bill or a joint resolution repealing or amending any statute or part thereof it shall make a report thereon and shall include in such report or in an accompanying document (to be prepared by the staff of such committee) (a) the text of the statute or part thereof which is proposed to be repealed; and (b) a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions which would be made by the bill or joint resolution if enacted in the form recommended by the committee. This paragraph shall not apply to any such report in which it is stated that, in the opinion of the committee, it is necessary to dispense with the requirements of this subsection to expedite the business of the Senate.

26.13a 13. (a) Each committee (except the Committee on Appropriations) which has legislative jurisdiction shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, endeavor to insure that—

(1) all continuing programs of the Federal Government and of the government of the District of Columbia, within the jurisdiction of such committee or joint committee, are designed; and

(2) all continuing activities of Federal agencies, within the jurisdiction of such committee or joint committee, are carried on;

so that, to the extent consistent with the nature, requirements, and objectives of those programs and activities, appropriations therefor will be made annually.

26.13b (b) Each committee (except the Committee on Appropriations) shall with respect to any continuing program within its jurisdiction for which appropriations are not made annually, review such program, from time to time, in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.

RULE XXVII 27

COMMITTEE STAFF

1.[17] Staff members appointed to assist minority members of committees pursuant to authority of a resolution described in paragraph 9 of rule XXVI or other Senate resolution shall be accorded equitable treatment with respect to the fixing of salary rates, the assignment of facilities, and the accessibility of committee records. 27.1

2. The minority shall receive fair consideration in the appointment of staff personnel pursuant to authority of a resolution described in paragraph 9 of rule XXVI. 27.2

3. The staffs of committees (including personnel appointed pursuant to authority of a resolution described in paragraph 9 of rule XXVI or other Senate resolution) should reflect the relative number of majority and minority members of committees. A majority of the minority members of any committee may, by resolution, request that at least one-third of all funds of the committee for personnel (other than those funds determined by the chairman and ranking minority member to be allocated for the administrative and clerical functions of the committee as a whole) be allocated to the minority members of such committee for compensation of minority staff as the minority members may decide. The committee shall thereafter adjust its budget to comply with such resolution. Such adjustment shall be equitably made over a four-year period, commencing July 1, 1977, with not less than one-half being made in two years. Upon request by a majority of the minority members of any committee by resolution, proportionate space, equipment, and facilities shall be provided for such minority staff. 27.3

4. No committee shall appoint to its staff any experts or other personnel detailed or assigned from any department or agency of the Government, except with the written permission of the Committee on Rules and Administration. 27.4

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[17] As amended, S. Res. 281, 96-2, Mar. 11, 1980 (effective Feb. 28, 1981).

NOTE.—Pursuant to S. Res. 281, paragraph 1 of rule XXVII was repealed. Accordingly, subparagraphs (a), (b), (c), and (d) of paragraph 2 were renumbered as paragraphs 1, 2, 3, and 4, respectively.

RULE XXVIII

28 CONFERENCE COMMITTEES; REPORTS; OPEN MEETINGS

28.1 1.[18] The presentation of reports of committees of conference shall always be in order when available on each Senator's desk except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is voting or ascertaining the presence of a quorum; and when received the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

28.2 2. Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses. If new matter is inserted in the report, or if matter which was agreed to by both Houses is stricken from the bill, a point of order may be made against the report, and if the point of order is sustained, the report is rejected or shall be recommitted to the committee of conference if the House of Representatives has not already acted thereon.

28.3 3. (a) In any case in which a disagreement to an amendment in the nature of a substitute has been referred to conferees, it shall be in order for the conferees to report a substitute on the same subject matter; but they may not include in the report matter not committed to them by either House. They may, however, include in their report in any such case matter which is a germane modification of subjects in disagreement.

(b) In any case in which the conferees violate subparagraph (a), the conference report shall be subject to a point of order.

28.4 4. Each report made by a committee of conference to the Senate shall be printed as a report of the Senate. As so printed, such report shall be accompanied by an explanatory statement prepared jointly by the conferees on the part of the House and the conferees on the part of the Senate. Such statement shall be sufficiently detailed and explicit to inform the Senate as to the effect which the amendments or propositions contained in such report will have upon the measure to which those amendments or propositions relate.

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[18] As amended by S. Res. 28, 99-2, Feb. 27, 1986.

5. If time for debate in the consideration of any report of a committee of conference upon the floor of the Senate is limited, the time allotted for debate shall be equally divided between the majority party and the minority party. 28.5

6. Each conference committee between the Senate and the House of Representatives shall be open to the public except when managers of either the Senate or the House of Representatives in open session determine by a rollcall vote of a majority of those managers persent, that all or part of the remainder of the meeting on the day of the vote shall be closed to the public. 28.6

RULE XXIX 29

EXECUTIVE SESSIONS

1. When the President of the United States shall meet the Senate in the Senate Chamber for the consideration of Executive business, he shall have a seat on the right of the Presiding Officer. When the Senate shall be convened by the President of the United States to any other place, the Presiding Officer of the Senate and the Senators shall attend at the place appointed, with the necessary officers of the Senate. 29.1

2. When acting upon confidential or Executive business, unless the same shall be considered in open Executive session, the Senate Chamber shall be cleared of all persons except the Secretary, the Assistant Secretary, the Principal Legislative Clerk, the Parliamentarian, the Executive Clerk, the Minute and Journal Clerk, the Sergeant at Arms, the Secretaries to the Majority and the Minority, and such other officers as the Presiding Officer shall think necessary; and all such officers shall be sworn to secrecy. 29.2

3. All confidential communications made by the President of the United States to the Senate shall be by the Senators and the officers of the Senate kept secret; and all treaties which may be laid before the Senate, and all remarks, votes, and proceedings thereon shall also be kept secret, until the Senate shall, by their resolution, take off the injunction of secrecy. 29.3

4. Whenever the injunction of secrecy shall be removed from any part of the proceedings of the Senate in closed Executive or legislative session, the order of the Senate removing the same shall be entered in the Legislative 29.4

Journal as well as in the Executive Journal, and shall be published in the Congressional Record under the direction of the Secretary of the Senate.

29.5 5. Any Senator or officer of the Senate who shall disclose the secret or confidential business or proceedings of the Senate shall be liable, if a Senator, to suffer expulsion from the body; and if an officer, to dismissal from the service of the Senate, and to punishment for contempt.

29.6 6. Whenever, by the request of the Senate or any committee thereof, any documents or papers shall be communicated to the Senate by the President or the head of any department relating to any matter pending in the Senate, the proceedings in regard to which are secret or confidential under the rules, said documents and papers shall be considered as confidential, and shall not be disclosed without leave of the Senate.

30 RULE XXX

EXECUTIVE SESSION—PROCEEDINGS ON TREATIES

30.1a 1. (a) When a treaty shall be laid before the Senate for ratification, it shall be read a first time; and no motion in respect to it shall be in order, except to refer it to a committee, to print it in confidence for the use of the Senate, or to remove the injunction of secrecy.

30.1b (b)[19] When a treaty is reported from a committee with or without amendment, it shall, unless the Senate unanimously otherwise directs, lie over one day for consideration; after which it may be read a second time, after which amendments may be proposed. At any stage of such proceedings the Senate may remove the injunction of secrecy from the treaty.

30.1c (c) The decisions thus made shall be reduced to the form of a resolution of ratification, with or without amendments, as the case may be, which shall be proposed on a subsequent day, unless, by unanimous consent, the Senate determine otherwise, at which stage no amendment to the treaty shall be received unless by unanimous consent; but the resolution of ratification when pending shall be open to amendment in the form of reservations, declarations, statements, or understandings.

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[19] As amended by S. Res. 28, 99-2, Feb. 27, 1986.

(d) On the final question to advise and consent to the ratification in the form agreed to, the concurrence of two-thirds of the Senators present shall be necessary to determine it in the affirmative; but all other motions and questions upon a treaty shall be decided by a majority vote, except a motion to postpone indefinitely, which shall be decided by a vote of two-thirds. 30.1d

2. Treaties transmitted by the President to the Senate for ratification shall be resumed at the second or any subsequent session of the same Congress at the stage in which they were left at the final adjournment of the session at which they were transmitted; but all proceedings on treaties shall terminate with the Congress, and they shall be resumed at the commencement of the next Congress as if no proceedings had previously been had thereon. 30.2

RULE XXXI 31

EXECUTIVE SESSION—PROCEEDINGS ON NOMINATIONS

1. When nominations shall be made by the President of the United States to the Senate, they shall, unless otherwise ordered, be referred to appropriate committees; and the final question on every nomination shall be, "Will the Senate advise and consent to this nomination?" which question shall not be put on the same day on which the nomination is received, nor on the day on which it may be reported by a committee, unless by unanimous consent. 31.1

2. All business in the Senate shall be transacted in open session, unless the Senate as provided in rule XXI by a majority vote shall determine that a particular nomination, treaty, or other matter shall be considered in closed executive session, in which case all subsequent proceedings with respect to said nomination, treaty, or other matter shall be kept secret: *Provided,* That the injunction of secrecy as to the whole or any part of proceedings in closed executive session may be removed on motion adopted by a majority vote of the Senate in closed executive session: *Provided further,* That any Senator may make public his vote in closed executive session. 31.2

3. When a nomination is confirmed or rejected, any Senator voting in the majority may move for a reconsideration on the same day on which the vote was taken, or on either of the next two days of actual executive session of 31.3

the Senate; but if a notification of the confirmation or rejection of a nomination shall have been sent to the President before the expiration of the time within which a motion to reconsider may be made, the motion to reconsider shall be accompanied by a motion to request the President to return such notification to the Senate. Any motion to reconsider the vote on a nomination may be laid on the table without prejudice to the nomination, and shall be a final disposition of such motion.

31.4 4. Nominations confirmed or rejected by the Senate shall not be returned by the Secretary to the President until the expiration of the time limited for making a motion to reconsider the same, or while a motion to reconsider is pending unless otherwise ordered by the Senate.

31.5 5. When the Senate shall adjourn or take a recess for more than thirty days, all motions to reconsider a vote upon a nomination which has been confirmed or rejected by the Senate, which shall be pending at the time of taking such adjournment or recess, shall fall; and the Secretary shall return all such nominations to the President as confirmed or rejected by the Senate, as the case may be.

31.6 6. Nominations neither confirmed nor rejected during the session at which they are made shall not be acted upon at any succeeding session without being again made to the Senate by the President; and if the Senate shall adjourn or take a recess for more than thirty days, all nominations pending and not finally acted upon at the time of taking such adjournment or recess shall be returned by the Secretary to the President, and shall not again be considered unless they shall again be made to the Senate by the President.

31.7a 7. (a) The Official Reporters shall be furnished with a list of nominations to office after the proceedings of the day on which they are received, and a like list of all confirmations and rejections.

31.7b (b) All nominations to office shall be prepared for the printer by the Official Reporter, and printed in the Congressional Record, after the proceedings of the day in which they are received, also nominations recalled, and confirmed.

31.7c (c) The Secretary shall furnish to the press, and to the public upon request, the names of nominees confirmed or rejected on the day on which a final vote shall be had, except when otherwise ordered by the Senate.

RULE XXXII 32

THE PRESIDENT FURNISHED WITH COPIES OF RECORDS OF EXECUTIVE SESSIONS

The President of the United States shall, from time to time, be furnished with an authenticated transcript of the public executive records of the Senate, but no further extract from the Executive Journal shall be furnished by the Secretary, except by special order of the Senate; and no paper, except original treaties transmitted to the Senate by the President of the United States, and finally acted upon by the Senate, shall be delivered from the office of the Secretary without an order of the Senate for that purpose.

RULE XXXIII 33

SENATE CHAMBER—SENATE WING OF THE CAPITOL

1. The Senate Chamber shall not be granted for any other purpose than for the use of the Senate; no smoking shall be permitted at any time on the floor of the Senate, or lighted cigars, cigarettes, or pipes be brought into the Chamber. 33.1

2. It shall be the duty of the Committee on Rules and Administration to make all rules and regulations respecting such parts of the Capitol, its passages and galleries, including the restaurant and the Senate Office Buildings, as are or may be set apart for the use of the Senate and its officers, to be enforced under the direction of the Presiding Officer. The Committee shall make such regulations respecting the reporters' galleries of the Senate, together with the adjoining rooms and facilities, as will confine their occupancy and use to bona fide reporters of newspapers and periodicals, and of news or press associations for daily news dissemination through radio, television, wires, and cables, and similar media of transmission. These regulations shall so provide for the use of such space and facilities as fairly to distribute their use to all such media of news dissemination. 33.2

34 RULE XXXIV

PUBLIC FINANCIAL DISCLOSURE

For purposes of this rule, the provisions of title I of the Ethics in Government Act of 1978 shall be deemed to be a rule of the Senate as it pertains to Members, officers, and employees of the Senate.

35 RULE XXXV

GIFTS

35.1 1. (a) No Member, officer, or employee of the Senate, or the spouse or dependent thereof, shall knowingly accept, directly or indirectly, any gift or gifts having an aggregate value exceeding $100 during a calendar year directly or indirectly from any person, organization, or corporation having a direct interest in legislation before the Congress or from any foreign national unless, in an unusual case, a waiver is granted by the Select Committee on Ethics. In determining whether an individual has accepted any gift or gifts having an aggregate value exceeding $100 during a calendar year from any person, organization, or corporation, there may be deducted the aggregate value of gifts (other than gifts described in subparagraph (c)) given by such individual to such person, organization, or corporation during that calendar year.

35.1b (b) For purposes of subparagraph (a), only the following shall be deemed to have a direct interest in legislation before the Congress:

(1) a person, organization, or corporation registered under the Federal Regulation of Lobbying Act of 1946, or any successor statute, a person who is an officer or director of such a registered lobbyist, or a person who has been employed or retained by such a registered lobbyist for the purpose of influencing legislation before the Congress; or

(2) a corporation, labor organization, or other organization which maintains a separate segregated fund for political purposes (within the meaning of section 321 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b)), a person who is an officer or director of such corporation, labor organization, or other organization, or a person who has been employed or retained by such corporation, labor organization, or

other organization for the purpose of influencing legislation before the Congress.

(c) The prohibitions of subparagraph (a) do not apply to gifts— 35.1c

(1) from relatives;

(2) with a value of less than $35;

(3) of personal hospitality of an individual; or

(4) from an individual who is a foreign national if that individual is not acting, directly or indirectly, on behalf of a foreign corporation, partnership or business enterprise, a foreign trade, cultural, educational or other association, a foreign political party or a foreign government.

2. For purposes of this rule— 35.2

(a) the term "gift" means a payment, subscription, advance, forbearance, rendering, or deposit of money, services, or anything of value, including food, lodging, transportation, or entertainment, and reimbursement for other than necessary expenses, unless consideration of equal or greater value is received, but does not include (1) a political contribution otherwise reported as required by law, (2) a loan made in a commercially reasonable manner (including requirements that the loan be repaid and that a reasonable rate of interest be paid), (3) a bequest, inheritance, or other transfer at death, (4) a bona fide award presented in recognition of public service and available to the general public, (5) a reception at which the Member, officer, or employee is to be honored, provided such individual receives no other gifts that exceed the restrictions in this rule, other than a suitable memento, (6) meals, beverages, or entertainment consumed or enjoyed, provided the meals, beverages, or entertainment are not consumed or enjoyed in connection with a gift of overnight lodging, or (7) anything of value given to a spouse or dependent of a reporting individual by the employer of such spouse or dependent in recognition of the service provided by such spouse or dependent; and

(b) the term "relative" has the same meaning given to such term in section 107(2) of title I of the Ethics in Government Act of 1978 (Public Law 95–521).

35.3 3. If a Member, officer, or employee, after exercising reasonable diligence to obtain the information necessary to comply with this rule, unknowingly accepts a gift described in paragraph 1, such Member, officer, or employee shall, upon learning of the nature of the gift and its source, return the gift or, if it is not possible to return the gift, reimburse the donor for the value of the gift.

35.4 4. (a) Notwithstanding the provisions of this rule, a Member, officer, or employee of the Senate may participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization if such participation is not in violation of any law and if the Select Committee on Ethics has determined that participation in such program by Members. officers, or employees of the Senate is in the interests of the Senate and the United States.

35.4b (b) [20] Any Member who accepts an invitation to participate in any such program shall notify the Select Committee in writing of his acceptance. A Member shall also notify the Select Committee in writing whenever he has permitted any officer or employee whom he supervises (within the meaning of paragraph 11 of rule XXXVII) to participate in any such program. The chairman of the Select Committee shall place in the Congressional Record a list of all individuals participating; the supervisors of such individuals, where applicable; and the nature and itinerary of such program.

35.4c (c) No Member, officer, or employee may accept funds in connection with participation in a program permitted under subparagraph (a) if such funds are not used for necessary food, lodging, transportation, and related expenses of the Member, officer, or employee.

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[20] As amended by S. Res. 498, 99-2, Oct. 3, 1986.

RULE XXXVI[21] (REPEALED) 36

RULE XXXVII 37

CONFLICT OF INTEREST

1. A Member, officer, or employee of the Senate shall not receive any compensation, nor shall he permit any compensation to accrue to his beneficial interest from any source, the receipt or accrual of which would occur by virtue of influence improperly exerted from his position as a Member, officer, or employee. 37.1

2. No Member, officer, or employee shall engage in any outside business or professional activity or employment for compensation which is inconsistent or in conflict with the conscientious performance of official duties. 37.2

3. No officer or employee shall engage in any outside business or professional activity or employment for compensation unless he has reported in writing when such activity or employment commences and on May 15 of each year thereafter so long as such activity or employment continues, the nature of such activity or employment to his supervisor. The supervisor shall then, in the discharge of his duties, take such action as he considers necessary for the avoidance of conflict of interest or interference with duties to the Senate. 37.3

4. No Member, officer, or employee shall knowingly use his official position to introduce or aid the progress or passage of legislation, a principal purpose of which is to further only his pecuniary interest, only the pecuniary interest of his immediate family, or only the pecuniary interest of a limited class of persons or enterprises, when he, or his immediate family, or enterprises controlled by them, are members of the affected class. 37.4

5. No Member, officer, or employee of the Senate compensated at a rate in excess of $25,000 per annum and employed for more than ninety days in a calendar year shall (a) affiliate with a firm, partnership, association, or corporation for the purpose of providing professional services for compensation; (b) permit that individual's name to be used by such a firm, partnership, association or corporation; or (c) practice a profession for compensation to any extent during regular office hours of the Senate office in 37.5

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[21] Repealed by S. Res. 512, agreed to Dec. 14, 1982, 97-2, effective Jan. 1, 1983.

which employed. For the purposes of this paragraph, "professional services" shall include but not be limited to those which involve a fiduciary relationship.

37.6 6. No Member, officer, or employee of the Senate compensated at a rate in excess of $25,000 per annum and employed for more than ninety days in a calendar year shall serve as an officer or member of the board of any publicly held or publicly regulated corporation, financial institution, or business entity. The preceding sentence shall not apply to service of a Member, officer, or employee as—

(a) an officer or member of the board of an organization which is exempt from taxation under section 501(c) of the Internal Revenue Code of 1954, if such service is performed without compensation;

(b) an officer or member of the board of an institution or organization which is principally available to Members, officers, or employees of the Senate, or their families, if such service is performed without compensation; or

(c) a member of the board of a corporation, institution, or other business entity, if (1) the Member, officer, or employee had served continuously as a member of the board thereof for at least two years prior to his election or appointment as a Member, officer, or employee of the Senate, (2) the amount of time required to perform such service is minimal, and (3) the Member, officer, or employee is not a member of, or a member of the staff of any Senate committee which has legislative jurisdiction over any agency of the Government charged with regulating the activities of the corporation, institution, or other business entity.

37.7 7. An employee on the staff of a committee who is compensated at a rate in excess of $25,000 per annum and employed for more than ninety days in a calendar year shall divest himself of any substantial holdings which may be directly affected by the actions of the committee for which he works, unless the Select Committee, after consultation with the employee's supervisor, grants permission in writing to retain such holdings or the employee makes other arrangements acceptable to the Select Committee and the employee's supervisor to avoid participation in committee actions where there is a conflict of interest, or the appearance thereof.

8. If a Member, upon leaving office, becomes a registered lobbyist under the Federal Regulation of Lobbying Act of 1946 or any successor statute, or is employed or retained by such a registered lobbyist for the purpose of influencing legislation, he shall not lobby Members, officers, or employees of the Senate for a period of one year after leaving office. 37.8

9. If an employee on the staff of a Member, upon leaving that position, becomes a registered lobbyist under the Federal Regulation of Lobbying Act of 1946 or any successor statute, or is employed or retained by such a registered lobbyist for the purpose of influencing legislation, such employee may not lobby the Member for whom he worked or that Member's staff for a period of one year after leaving that position. If an employee on the staff of a committee, upon leaving his position, becomes such a registered lobbyist or is employed or retained by such a registered lobbyist for the purpose of influencing legislation, such employee may not lobby the members of the committee for which he worked, or the staff of that committee, for a period of one year after leaving his position. 37.9

10. For purposes of this rule— 37.10

(a) "employee of the Senate" includes an employee or individual described in paragraphs 2, 3, and 4(c) of rule XLI;

(b) an individual who is an employee on the staff of a subcommittee of a committee shall be treated as an employee on the staff of such committee; and

(c) the term "lobbying" means any oral or written communication to influence the content or disposition of any issue before Congress, including any pending or future bill, resolution, treaty, nomination, hearing, report, or investigation; but does not include—

(1) a communication (i) made in the form of testimony given before a committee or office of the Congress, or (ii) submitted for inclusion in the public record, public docket, or public file of a hearing; or

(2) a communication by an individual, acting solely on his own behalf, for redress of personal grievances, or to express his personal opinion.

11. For purposes of this rule— 37.11

(a) a Senator or the Vice President is the supervisor of his administrative, clerical, or other assistants;

(b) a Senator who is the chairman of a committee is the supervisor of the professional, clerical, or other assistants to the committee except that minority staff members shall be under the supervision of the ranking minority Senator on the committee;

(c) a Senator who is a chairman of a subcommittee which has its own staff and financial authorization is the supervisor of the professional, clerical, or other assistants to the subcommittee except that minority staff members shall be under the supervision of the ranking minority Senator on the subcommittee;

(d) the President pro tempore is the supervisor of the Secretary of the Senate, Sergeant at Arms and Doorkeeper, the Chaplain, the Legislative Counsel, and the employees of the Office of the Legislative Counsel;

(e) the Secretary of the Senate is the supervisor of the employees of his office;

(f) the Sergeant at Arms and Doorkeeper is the supervisor of the employees of his office;

(g) the Majority and Minority Leaders and the Majority and Minority Whips are the supervisors of the research, clerical, or other assistants assigned to their respective offices;

(h) the Majority Leader is the supervisor of the Secretary for the Majority and the Secretary for the Majority is the supervisor of the employees of his office; and

(i) the Minority Leader is the supervisor of the Secretary for the Minority and the Secretary for the Minority is the supervisor of the employees of his office.

38 RULE XXXVIII

PROHIBITION OF UNOFFICIAL OFFICE ACCOUNTS

38.1 1. No Member may maintain or have maintained for his use an unofficial office account. The term "unofficial office account" means an account or repository into which funds are received for the purpose, at least in part, of defraying otherwise unreimbursed expenses allowable in connection with the operation of a Member's office. An unofficial office account does not include, and expenses incurred by a Member in connection with his official duties shall be defrayed only from—

(a) personal funds of the Member;

(b) official funds specifically appropriated for that purpose;

(c) funds derived from a political committee (as defined in section 301(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)); and

(d) funds received as reasonable reimbursements for expenses incurred by a Member in connection with personal services provided by the Member to the organization making the reimbursement.

2. No contribution (as defined in section 301(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) shall be converted to the personal use of any Member or any former Member. For the purposes of this rule "personal use" does not include reimbursement of expenses incurred by a Member in connection with his official duties. 38.2

RULE XXXIX 39

FOREIGN TRAVEL

1. (a) Unless authorized by the Senate (or by the President of the United States after an adjournment sine die), no funds from the United States Government (including foreign currencies made available under section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754(b)) shall be received for the purpose of travel outside the United States by any Member of the Senate whose term will expire at the end of a Congress after— 39.1

(1) the date of the general election in which his successor is elected; or

(2) in the case of a Member who is not a candidate in such general election, the earlier of the date of such general election or the adjournment sine die of the second regular session of that Congress.

(b)[22] The travel restrictions provided by subparagraph (a) with respect to a Member of the Senate whose term will expire at the end of a Congress shall apply to travel by—

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[22] Pursuant to S. Res. 80, 100–1, Jan. 28, 1987, paragraph 1 was renumbered as 1. (a) and subparagraph (b) was added.

(1) any employee of the Member;

(2) any elected officer of the Senate whose employment will terminate at the end of a Congress; and

(3) any employee of a committee whose employment will terminate at the end of a Congress.

39.2 2. No Member, officer, or employee engaged in foreign travel may claim payment or accept funds from the United States Government (including foreign currencies made available under section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754(b)) for any expense for which the individual has received reimbursement from any other source; nor may such Member, officer, or employee receive reimbursement for the same expense more than once from the United States Government. No Member, officer, or employee shall use any funds furnished to him to defray ordinary and necessary expenses of foreign travel for any purpose other than the purpose or purposes for which such funds were furnished.

39.3 3. A per diem allowance provided a Member, officer, or employee in connection with foreign travel shall be used solely for lodging, food, and related expenses and it is the responsibility of the Member, officer, or employee receiving such an allowance to return to the United States Government that portion of the allowance received which is not actually used for necessary lodging, food, and related expenses.

40 RULE XL

FRANKING PRIVILEGE AND RADIO AND TELEVISION STUDIOS [23]

40.1 1. A Senator or an individual who is a candidate for nomination for election, or election, to the Senate may not use the frank for any mass mailing (as defined in section 3210(a)(6)(E)[24] of title 39, United States Code) if such mass mailing is mailed at or delivered to any postal facility less than sixty days immediately before the date of any primary or general election (whether regular, special, or runoff) in which the Senator is a candidate for public office or the individual is a candidate for Senator.

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[23] Section 3210 of title 39, U.S.C., contains statutory provisions are parallel to certain provisions of rule XL relating to the franking privilege.

[24] Pursuant S. Res. 187, 101-1, October 2, 1989.

2. A Senator shall use only official funds of the Senate, including his official Senate allowances, to purchase paper, to print, or to prepare any mass mailing material which is to be sent out under the frank. 40.2

3. (a) When a Senator disseminates information under the frank by a mass mailing (as defined in section 3210(a)(6)(E) of title 39, United States Code), the Senator shall register annually with the Secretary of the Senate such mass mailings. Such registration shall be made by filing with the Secretary a copy of the matter mailed and providing, on a form supplied by the Secretary, a description of the group or groups of persons to whom the mass mailing was mailed. 40.3a

(b) The Secretary of the Senate shall promptly make available for public inspection and copying a copy of the mail matter registered, and a description of the group or groups of persons to whom the mass mailing was mailed. 40.3b

4. Nothing in this rule shall apply to any mailing under the frank which is (a) in direct response to inquiries or requests from persons to whom the matter is mailed; (b) addressed to colleagues in Congress or to government officials (whether Federal, State, or local); or (c) consists entirely of news releases to the communications media. 40.4

5. The Senate computer facilities shall not be used (a) to store, maintain, or otherwise process any lists or categories of lists of names and addresses identifying the individuals included in such lists as campaign workers or contributors, as members of a political party, or by any other partisan political designation, (b) to produce computer printouts except as authorized by user guides approved by the Committee on Rules and Administration, or (c) to produce mailing labels for mass mailings, or computer tapes and discs, for use other than in service facilities maintained and operated by the Senate or under contract to the Senate. The Committee on Rules and Administration shall prescribe such regulations not inconsistent with the purposes of this paragraph as it determines necessary to carry out such purposes. 40.5

6. (a) The radio and television studios provided by the Senate or by the House of Representatives may not be used by a Senator or an individual who is a candidate for nomination for election, or election, to the Senate less than sixty days immediately before the date of any primary or general election (whether regular, special, or 40.6

runoff) in which that Senator is a candidate for public office or that individual is a candidate for Senator.

40.6b **(b) This paragraph shall not apply if the facilities are to be used at the request of, and at the expense of, a licensed broadcast organization or an organization exempt from taxation under section** 501(c)(3) of the Internal Revenue Code of 1954.

41

RULE XLI

POLITICAL FUND ACTIVITY; DEFINITIONS

41.1 1. No officer or employee of the Senate may receive, solicit, be a custodian of, or distribute any funds in connection with any campaign for the nomination for election, or the election, of any individual to be a Member of the Senate or to any other Federal office. This prohibition does not apply to three[25] assistants to a Senator, at least one of whom is in Washington, District of Columbia, who have been designated by that Senator to perform any of the functions described in the first sentence of this paragraph and who are compensated at an annual rate in excess of $10,000 if such designation has been made in writing and filed with the Secretary of the Senate and if each such assistant files a financial statement in the form provided under rule XXXIV for each year during which he is designated under this rule. The Secretary of the Senate shall make the designation available for public inspection.

41.2 2. For purposes of the Senate Code of Official Conduct—

(a) an employee of the Senate includes any employee whose salary is disbursed by the Secretary of the Senate; and

(b) the compensation of an officer or employee of the Senate who is a reemployed annuitant shall include amounts received by such officer or employee as an annuity, and such amounts shall be treated as disbursed by the Secretary of the Senate.

41.3 3. Before approving the utilization by any committee of the Senate of the services of an officer or employee of the Government in accordance with paragraph 2(d) of rule XXVII or with an authorization provided by Senate resolution, the Committee on Rules and Administration shall require such officer or employee to agree in writing to comply with the Senate Code of Official Conduct in the same manner and to the same extent as an employee of the Senate. Any such officer or employee shall, for purposes of such Code, be treated as an employee of the Senate receiving compensation disbursed by the Secretary of the Senate in an amount equal to the amount of compensation he is receiving as an officer or employee of the Government.

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[25] As amended by S. Res. 258, 100-1, Oct. 1, 1987.

4. No Member, officer, or employee of the Senate shall utilize the full-time services of an individual for more than ninety days in a calendar year in the conduct of official duties of any committee or office of the Senate (including a Member's office) unless such individual— 41.4

(a) is an officer or employee of the Senate,

(b) is an officer or employee of the Government (other than the Senate), or

(c) agrees in writing to comply with the Senate Code of Official Conduct in the same manner and to the same extent as an employee of the Senate.

Any individual to whom subparagraph (c) applies shall, for purposes of such Code, be treated as an employee of the Senate receiving compensation disbursed by the Secretary of the Senate in an amount equal to the amount of compensation which such individual is receiving from any source for performing such services.

5. In exceptional circumstances for good cause shown, the Select Committee on Ethics may waive the applicability of any provision of the Senate Code of Official Conduct to an employee hired on a per diem basis. 41.5

6. (a) The supervisor of an individual who performs services for any Member, committee, or office of the Senate for a period in excess of four weeks and who receives compensation therefor from any source other than the United States Government shall report to the Select Committee on Ethics with respect to the utilization of the services of such individual. 41.6a

(b) A report under subparagraph (a) shall be made with respect to an individual— 41.6b

(1) when such individual begins performing services described in such subparagraph;

(2) at the close of each calendar quarter while such individual is performing such services; and

(3) when such individual ceases to perform such services.

Each such report shall include the identity of the source of the compensation received by such individual and the amount or rate of compensation paid by such source.

41.6c (c) No report shall be required under subparagraph (a) with respect to an individual who normally performs services for a Member, committee, or office for less than eight hours a week.

41.6d (d) For purposes of this paragraph, the supervisor of an individual shall be determined under paragraph 11 of rule XXXVII.

42 RULE XLII

EMPLOYMENT PRACTICES

No Member, officer, or employee of the Senate shall, with respect to employment by the Senate or any office thereof—

(a) fail or refuse to hire an individual;

(b) discharge an individual; or

(c) otherwise discriminate against an individual with respect to promotion, compensation, or terms, conditions, or privileges of employment

on the basis of such individual's race, color, religion, sex, national origin, age, or state of physical handicap.

[50]

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[55]

CROSS-REFERENCE TABLES TO PROVISIONS OF THE LEGISLATIVE REORGANIZATION ACTS OF 1946 AND 1970, AND THE CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974, AS AMENDED, RELATING TO THE OPERATION OF THE SENATE

Many provisions of the Legislative Reorganization Act of 1946 (Public Law 601, 79th Congress, August 2, 1946, 60 Stat. 812), as amended by the Legislative Reorganization Act of 1970 (Public Law 91–510, October 26, 1970, 84 Stat. 1140), and as otherwise amended, and certain other provisions of the 1970 Act and of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93–344, 88 Stat. 297, July 12, 1974), including amendments made by the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177, 99 Stat. 1039, 1062, December 12, 1985), relate directly to the organization and internal operation of the United States Senate, and in effect constitute extensions of or additions to the Standing Rules themselves. Those provisions, as is the case with all other pertinent provisions of law, are carried in the Senate Manual in their appropriately codified form under the heading "General and Permanent Laws Relating to the United States Senate" (Extracts from the United States Code). The following cross-reference tables show their respective United States Code citations and indicate by Senate Manual section numbers their location in this volume.

55.1 TABLE 1.—*Legislative Reorganization Act of 1946, as amended* [1]

[Provisions applicable to Senate]

1946 Reorg. Act Section No.	Subject	U.S. Code		Senate Manual Section No.
		Title	Section	
	TITLE I—CHANGES IN RULES OF SENATE AND HOUSE			
	* * * * *			
	PART 1—STANDING RULES OF THE SENATE			
	* * * * *			
	PART 2—RULES OF THE HOUSE OF REPRESENTATIVES			
	* * * * *			
	PART 3—PROVISIONS APPLICABLE TO BOTH HOUSES			
140	Records of Congress	44	2118	679
141	Preservation of committee hearings	2	145a	325
	* * * * *			
	TITLE II—MISCELLANEOUS			
	PART 1—STATUTORY PROVISIONS RELATING TO CONGRESSIONAL PERSONNEL			
	* * * * *			
202	Committee staffs	2	72a	275
203	Congressional Research Service	2	166	334
* 205	Studies by Comptroller General	31	712	481.1
* 206	Expenditure analyses by Comptroller General	31	712, 719	481.1, 481.4
	PART 2—STATUTORY PROVISIONS RELATING TO COMMITTEES OF CONGRESS			
222	Joint Committee on Printing	44	101	600
223	Joint Committee on the Library	2	132b	318
225	Joint Committee on the Economic Report	15	1024	447
226	Economic Report of the President	15	1022	446.5

* Codified to positive law as part of title 31, United States Code, pursuant to P.L. 97–258.

[1] Sections excluded are not contained in the Senate Manual.

Table 1.—*Legislative Reorganization Act of 1946, as amended* [1]—Con.

[Provisions applicable to Senate]

1946 Reorg. Act Section No.	Subject	U.S. Code		Senate Manual Section No.
		Title	Section	
	PART 3—PROVISIONS RELATING TO CAPITOL AND PAGES			
	* * * * *			
242	Assignment of Capitol space	40	174d-1	516
243	Senate and House pages	2	88a	281
244	Authorization of appropriations and personnel	2	74b	280
	* * * * *			
	Title III—Regulation of Lobbying Act			
	* * * * *			
302	Definitions	2	261	373
303	Detailed accounts of contributions	2	262	374
304	Receipts for contributions	2	263	375
305	Statements to be filed with Clerk of House	2	264	376
306	Statement preserved for two years	2	265	377
307	Persons to whom applicable	2	266	378
308	Registration with Secretary of the Senate and Clerk of the House	2	267	379
309	Reports and statements to be made under oath	2	268	380
310	Penalties	2	269	381
311	Exemption	2	270	382
	Title IV			
	(Repealed)			
	Title V—General Bridge Act			
	* * * * *			
	Title VI—Compensation and Retirement Pay of Members of Congress			
601	Compensation of Members of Congress	2	31	220

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[1] See footnote on page 96.

55.2 TABLE 2.—*Legislative Reorganization Act of 1970*[1]

[Provisions applicable to Senate]

1970 Reorg. Act Section No.	Subject	U.S. Code		Senate Manual Section No.
		Title	Section	
	TITLE I—THE COMMITTEE SYSTEM			
	* * * * *			
	TITLE II—FISCAL AND BUDGETARY INFORMATION AND CONTROLS			
	PART 1—FISCAL, BUDGETARY, AND PROGRAM-RELATED DATA AND INFORMATION			
* 201	Federal fiscal, budgetary, and program-related data and information systems	31	1112	487.1
* 202	Standardization of terminology, definitions, classifications, and codes for fiscal, budgetary, and program-related data and information	31	1112, 1113	487.1, 488
* 203	Availability to and use by the Congress and State and local governments of Federal fiscal, budgetary, and program-related data and information	31	1112, 1113	487.1, 488
* 204	Review and evaluation	31	712 719	481.1, 481.4
205	Power and duties of Comptroller General in connection with budgetary, fiscal, and related matters	31	712, 719	481.1, 481.4
* 207	Definition	31	717, 719, 720, 1112	481.2, 481.4, 481.5, 487.1
	PART 2—THE BUDGET			
* 221	Supplemental budget information	31	1106	484.1
	PART 3—UTILIZATION OF REPORTS AND EMPLOYEES OF GENERAL ACCOUNTING OFFICE			
* 231	Assistance by General Accounting Office to congressional committees in connection with proposed legislation and committee review of Federal programs and activities	31	719	481.4

* Codified to positive law as part of title 31, United States Code, pursuant to P.L. 97-258.

[1] Sections excluded are not contained in the Senate Manual, or are amendments to provisions contained in the Legislative Reorganization Act of 1946. See table 1.

TABLE 2.—*Legislative Reorganization Act of 1970*[1]—Continued

[Provisions applicable to Senate]

1970 Reorg. Act Section No.	Subject	U.S. Code		Senate Manual Section No.
		Title	Section	
	PART 3—UTILIZATION OF REPORTS AND EMPLOYEES OF GENERAL ACCOUNTING OFFICE—continued			
• 232	Delivery by General Accounting Office to congressional committees of reports to Congress	31	719	481.4
• 233	Furnishing to congressional committees by General Accounting Office of its reports generally	31	719	481.4
• 234	Furnishing to committees and Members of Congress by General Accounting Office of monthly and annual lists of its reports; availability of reports to committees and Members on request	31	719	481.4
• 235	Assignments of employees of General Accounting Office to duty with committees of Congress	31	719, 734	481.4, 481.6
• 236	• Agency reports	31	720	481.5
	• • • • •			
	TITLE III—SOURCES OF INFORMATION			
	PART 1—STAFFS OF SENATE AND HOUSE STANDING COMMITTEES			
	• • • • •			
305	Compensation of professional and clerical staffs of Senate standing committees	2	61-1 (e)-(f)	252.6, 252.7
	PART 2—CONGRESSIONAL RESEARCH SERVICE			
	• • • • •			
	PART 3—PARLIAMENTARY PRECEDENTS OF THE HOUSE OF REPRESENTATIVES			
	• • • • •			

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[1] See footnote on page 98.

TABLE 2.—*Legislative Reorganization Act of 1970*[1]—Continued

[Provisions applicable to Senate]

1970 Reorg. Act Section No.	Subject	U.S. Code		Senate Manual Section No.
		Title	Section	
	TITLE IV—CONGRESS AS AN INSTITUTION			
	PART 1—JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS			
	* * * * *			
	PART 2—ABOLISHMENT OF JOINT COMMITTEE ON IMMIGRATION AND NATIONALITY POLICY			
	* * * * *			
	PART 3—AUTHORITY OF OFFICERS OF THE CONGRESS OVER CONGRESSIONAL EMPLOYEES			
431	Authority over congressional employees	2	60-1	249
	PART 4—THE CAPITOL GUIDE SERVICE			
441	Establishment and operation of the Capitol Guide Service	40	851	558
	* * * * *			
	PART 5—AUDIT FOR ORGANIZATIONS CONDUCTING ACTIVITIES OR PERFORMING SERVICES IN OR ON THE UNITED STATES CAPITOL BUILDINGS OR GROUNDS			
451	Audit of accounts of certain private organizations	40	193m-1	538.1
	PART 6—CONGRESSIONAL ADJOURNMENT			
	* * * * *			
	PART 7—PAYROLL ADMINISTRATION IN THE HOUSE OF REPRESENTATIVES			
	* * * * *			

[1] See footnote on page 98.

TABLE 2.—*Legislative Reorganization Act of 1970*[1]—Continued

[Provisions applicable to Senate]

1970 Reorg. Act Section No.	Subject	U.S. Code		Senate Manual Section No.
		Title	Section	
	PART 8—PER ANNUM GROSS PAY RATES OF EMPLOYEES OF THE OFFICE OF THE ARCHITECT OF THE CAPITOL			
481	Single per annum gross rates of pay for employees under the Architect of the Capitol	40	166b–1a	508.1
482	Conversion by the Architect of the Capitol of existing basic pay rates to per annum gross pay rates	40	166b–1b	508.2
483	Obsolete references in existing law to basic pay rates of employees under the Architect of the Capitol	40	166b–1c	508.3
484	Saving provision	40	166b–1d	508.4
485	Effect on existing law	40	166b–1e	508.5
486	Exemptions	40	166b–1f	508.6
	PART 9—CONGRESSIONAL PAGES			
491	Congressional pages	2	88b–1	283
492	Dormitory building for congressional pages	40	184a	518.7
	PART 10—MODERNIZATION OF HOUSE GALLERIES			
	* * * * *			
	TITLE V—OFFICE OF THE LEGISLATIVE COUNSEL			
	SUBTITLE A—HOUSE OF REPRESENTATIVES			
	* * * * *			
	TITLE VI—EFFECTIVE DATES			

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[1] See footnote on page 98.

55.3 TABLE 3.—*Congressional Budget and Impoundment Control Act of 1974, as amended* [1]

[Provisions applicable to Senate]

Section No.	Subject	U.S. Code		Senate Manual Section No.
		Title	Section	
2	Declaration of purposes	2	621	399.39-1
3	Definitions	2	622	399.39-2
	TITLE I—ESTABLISHMENT OF HOUSE AND SENATE BUDGET COMMITTEES			
	* * * * *			
	TITLE II—CONGRESSIONAL BUDGET OFFICE			
201	Establishment of Office	2	601	399.36
202	Duties and functions	2	602	399.37
203	Public access to budget data	2	603	399.38
	TITLE III—CONGRESSIONAL BUDGET PROCESS			
300	Timetable	2	631	399.39-4
301	Annual adoption of a concurrent resolution on the budget	2	632	399.39-5
302	Committee allocations	2	633	399.39-6
303	Concurrent resolution on the budget must be adopted before legislation providing new budget authority, new spending authority, new credit authority, or changes in revenues or the public debt limit is considered	2	634	399.39-7
304	Permissible revisions of concurrent resolutions on the budget	2	635	399.39-8
305	Procedures relating to consideration of concurrent resolutions on the budget.	2	636	399.39-9
306	Legislation dealing with congressional budget must be handled by budget committees	2	637	399.39-10
307	House committee action on all appropriation bills to be completed by June 10	2	638	399.39-11
308	Reports, summaries, and projections of congressional budget actions	2	639	399.39-12
309	House approval of regular appropriation bills	2	640	399.39-13
310	Reconciliation	2	641	399.39-14
311	New budget authority, new spending authority, and revenue legislation must be within appropriate levels	2	642	399.39-15

[1] Sections excluded are not included in the Senate Manual.

TABLE 3.—*Congressional Budget and Impoundment Control Act of 1974, as amended*—Continued

[Provisions applicable to Senate]

Section No.	Subject	U.S. Code		Senate Manual Section No.
		Title	Section	
	TITLE IV—ADDITIONAL PROVISIONS TO IMPROVE FISCAL PROCEDURES			
401	Bills providing new spending authority.	2	651	399.39-16
402	Legislation providing new credit authority	2	652	399.39-17
403	Analysis by Congressional Budget Office	2	653	399.39-18
405	Study by the General Accounting Office of forms of Federal financial commitment that are not reviewed annually by Congress	2	654	399.39-19
406	Off-budget agencies, programs, and activities	2	655	399.39-20
407	Member user group	2	656	399.39-21
	TITLE V—CHANGE OF FISCAL YEAR			
	* * * * *			
	TITLE VI—AMENDMENTS TO BUDGET AND ACCOUNTING ACT, 1921			
• 601	Matters to be included in President's budget	31	1105, 1106, 1108, 1109	484 484.1, 485.1, 486
• 602	Midyear review	31	1106	484.1
• 603	Five-year budget projections	31	1105	484
• 604	Allowances for supplemental budget authority and uncontrollable outlays.	31	1105	484
• 605	Budget data based on continuation of existing level of services	31	1109	486
• 607	Year-ahead requests for authorization of new budget authority	31	1110	486.1
	TITLE VII—PROGRAM REVIEW AND EVALUATION			
• 701	Review and evaluation by standing committees	2	190d	344
703	Continuing study of additional budget reform proposals	2	623	399.39-3
	TITLE VIII—FISCAL AND BUDGETARY INFORMATION AND CONTROLS			
• 802	Changes in functional categories	31	1104	483.1
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TABLE 3.—*Congressional Budget and Impoundment Control Act of 1974, as amended*—Continued

[Provisions applicable to Senate]

Section No.	Subject	U.S. Code		Senate Manual Section No.
		Title	Section	
	TITLE IX—MISCELLANEOUS PROVISIONS; EFFECTIVE DATES			
	* * * * *			
	TITLE X—IMPOUNDMENT CONTROL			
	PART A—GENERAL PROVISIONS			
1001	Disclaimer	2	681	399.39–22
	* * * * *			
	PART B—CONGRESSIONAL CONSIDERATION OF PROPOSED RESCISSIONS, RESERVATIONS, AND DEFERRALS OF BUDGET AUTHORITY			
1011	Definitions	2	682	399.39–23
1012	Rescission of budget authority	2	683	399.39–24
1013	Proposed deferrals of budget authority	2	684	399.39–25
1014	Transmission of messages; publication	2	685	399.39–26
1015	Reports by Comptroller General	2	686	399.39–27
1016	Suits by Comptroller General	2	687	399.39–28
1017	Procedure in House and Senate	2	688	399.39–29

* Codified to positive law as part of title 31, United States Code, pursuant to P.L. 97-258.

[60]

NONSTATUTORY STANDING ORDERS NOT EMBRACED IN THE RULES, AND RESOLUTIONS AFFECTING THE BUSINESS OF THE SENATE

COMMITTEE PERSONNEL AND EXPENDITURE REPORTS 60

Resolved, That the Senate shall not (1) authorize the payment from the contingent fund of the Senate of the expenses, in excess of $5,000, of any inquiry or investigation hereafter authorized, or (2) increase the amount heretofore authorized to be paid from the contingent fund of the Senate in connection with any inquiry or investigation, unless, prior to adoption of the resolution authorizing such payment or providing for such increase, the committee or subcommittee thereof authorized to conduct such inquiry or investigation shall have submitted to the Committee on Rules and Administration [1] a budget, in such form as the committee may require, setting forth its estimates of expenses proposed to be incurred for personal services, hearings, and travel, and such other information as the committee may require. 60.1

SEC. 2.[2] Whenever the head of any department or agency of the Government shall have detailed or assigned personnel of such department or agency to the staff of any Senate committee or subcommittee thereof, the appropriations of such department or agency from which the personnel so assigned or detailed is paid shall be reimbursed from funds available to the committee or subcommittee at the end of each quarterly period in the amount of the salaries of such personnel while on such detail or assignment; and the services of any personnel so detailed or assigned shall not be accepted or utilized unless, at the time of such detail or assignment, funds are available to such committee or subcommittee for the reimbursement of 60.2

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[1] As amended, S. Jour. 173, 80-1, Mar. 28, 1947.

[2] *See also* paragraph 4 of rule XXVII of the Standing Rules of the Senate, Senate Manual section 27.4.

appropriations, as herein provided, for the period of such detail or assignment.

60.3 SEC. 3. The foregoing provisions of this resolution shall become effective on April 1, 1946.

60.4 SEC. 4. The Committee on Rules and Administration [1] of the Senate is authorized to make such studies as may be necessary to enable it to prescribe uniform requirements as to the form and content of budgets required to be submitted under the first section of this resolution and otherwise to carry out its functions under such section.

[S. Jour. 288, 79-1, June 28, 1945.

61 PRINTING IN CONGRESSIONAL RECORD

Resolved, That hereafter no written or printed matter shall be received for printing in the body of the Congressional Record as a part of the remarks of any Senator unless such matter (1) shall have been read orally by such Senator on the floor of the Senate, or (2) shall have been offered and received for printing in such manner as to indicate clearly that the contents thereof were not read orally by such Senator on the floor of the Senate. All such matter shall be printed in the Record in accordance with the rules prescribed by the Joint Committee on Printing. No request shall be entertained by the Presiding Officer to suspend by unanimous consent the requirements of this resolution. [S. Jour. 510, 80-1, July 23, 1947.

62 SPECIAL DEPUTIES

Resolved, That the Sergeant at Arms of the Senate is authorized and empowered from time to time to appoint such special deputies as he may think necessary to serve process or perform other duties devolved upon the Sergeant at Arms by law or the rules or orders of the Senate, or which may hereafter be devolved upon him, and in such case they shall be officers of the Senate; and any act done or return made by the deputies so appointed shall have like effect and be of the same validity as if performed or made by the Sergeant at Arms in person.

[S. Jour. 47, 51-1, Dec. 17, 1889.

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[1] As amended, S. Jour. 173, 80-1, Mar. 28, 1947.

PERSONS NOT FULL-TIME EMPLOYEES OF SENATE [1] 63

Resolved, That hereafter, standing or select committees employing the services of persons who are not full-time employees of the Senate or any committee thereof shall submit monthly reports to the Senate (or to the Secretary during a recess or adjournment) showing (1) the name and address of any such person; (2) the name and address of the department or organization by whom his salary is paid; and (3) the annual rate of compensation in each case.
[S. Jour. 407, 78-2, Aug. 23, 1944.

FLOWERS IN THE SENATE CHAMBER 64

Resolved, That until further orders the Sergeant at Arms is instructed not to permit flowers to be brought into the Senate Chamber. [S. Jour. 261, 58-3, Feb. 24, 1905.

Resolved. That notwithstanding the resolution of the Senate of February 24, 1905, upon the death of a sitting Senator, the majority leader and the minority leader may permit a display of flowers to be placed upon the desk of the deceased Senator on the day set aside for eulogies.
[S. Res. 221, 98-1, Sept. 15, 1983.

SENATE PAGES 65

65.1 *Resolved,* That it shall be the duty of the Sergeant at Arms to classify the pages of the Senate, so that at the close of the present and each succeeding Congress, one-half the number shall be removed * * *.
[S. Jour. 514, 33-1, July 17, 1854.

65.2 *Resolved,* That until otherwise hereafter provided for by law, there shall be paid out of the contingent fund of the Senate such amounts as may be necessary to enable the Secretary of the Senate to furnish educational services and related items for Senate Pages in accordance with this resolution.

SEC. 2. The Senate Page program shall be administered by the Sergeant at Arms and Doorkeeper of the Senate and the Secretaries for the majority and minority of the Senate. All policy decisions regarding the operation of the Senate Page program shall be made by the Senate management board, with the concurrence of the majority and minority leaders of the Senate.

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[1] See also paragraphs 4 and 6 of rule XLI of the Standing Rules of the Senate, Senate Manual sections 41.4, 41.6.

SEC. 3. In order to provide educational services and related items for Senate Pages, the Secretary of the Senate is authorized to enter into a contract, agreement, or other arrangement with the Board of Education of the District of Columbia, or to provide such educational services and items in such other manner as he may deem appropriate.

SEC. 4. The educational services under the Senate Page program shall consist of an academic year comprising two terms, and a Page serving in such program shall be in the eleventh grade.

SEC. 5. The resolution shall take effect as of the date of its approval. [S. Res. 184, 98-1, July 29, 1983.

65.3 *Resolved,* That the Secretary of the Senate is authorized to withhold from the salary of each Senate page who resides in the page residence hall an amount equal to the charge imposed for lodging, meals, and related services, furnished to such page in such hall. The amounts so withheld shall be transferred by the Secretary of the Senate to the Clerk of the House of Representatives for deposit by such Clerk in the revolving fund, within the contingent fund of the House of Representatives, for the page residence hall and page meal plan, as established by H. Res. 64, 98th Congress. [S. Res. 78, 98-1, Mar. 2, 1983.

SEAL OF THE SENATE

66 *Resolved,* That the Secretary shall have the custody of the seal, and shall use the same for the authentication of process transcripts, copies, and certificates whenever directed by the Senate; and may use the same to authenticate copies of such papers and documents in his office as he may lawfully give copies of. [S. Jour. 194, 49-1, Jan. 20, 1886.

66.1 SEAL OF PRESIDENT PRO TEMPORE

Resolved, That the President pro tempore of the Senate is authorized to adopt and use an official seal of his office.

SEC. 2. Expenses incident to the designing and procurement of such seal shall be paid from the contingent fund of the Senate upon vouchers signed by the President pro tempore of the Senate.

SEC. 3. A description and illustration of the seal adopted pursuant to this resolution shall be transmitted to the

General Services Administration for publication in the Federal Register.
[S. Jour. 686, 83-2, Aug. 14, 1954.

MARBLE BUSTS OF VICE PRESIDENTS 67

Resolved, That marble busts of those who have been Vice Presidents of the United States shall be placed in the Senate wing of the Capitol from time to time, that the Architect of the Capitol is authorized, subject to the advice and approval of the Senate committee on Rules and Administration, to carry into the execution the object of this resolution, and the expenses incurred in doing so shall be paid out of the contingent fund of the Senate.
[S. Jour. 40, 55-2, Jan. 6, 1898; S. Jour. 173, 80-1, Mar. 28, 1947.

READING OF WASHINGTON'S FAREWELL ADDRESS 68

Ordered, That, unless otherwise directed, on the twenty-second day of February in each year, or if that day shall be on Sunday, then on the day following, immediately after the reading of the Journal, Washington's Farewell Address shall be read to the Senate by a Senator to be designated for the purpose by the Presiding Officer; and that thereafter the Senate will proceed with its ordinary business.
[S. Jour. 103, 56-2, Jan. 24, 1901.

REIMBURSEMENT OF EXPENSES [1] 69

Resolved, That witnesses appearing before the Senate or any of its committees may be authorized reimbursement for per diem expenses incurred for each day while traveling to and from the place of examination and for each day in attendance. Such reimbursement shall be made on an actual expense basis which shall not exceed the daily rate prescribed by the Committee on Rules and Administration, unless such limitation is specifically waived by such committee. A witness may also be authorized reimbursement of the actual and necessary transportation expenses incurred by the witness in traveling to and from the place of examination.

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[1] The Legislative Branch Appropriation Act, 1961 (July 12, 1960, Public Law 86-628, 74 Stat. 449), contained the following restriction on advances of witness fees:

"No part of any appropriation disbursed by the Secretary of the Senate shall be available hereafter for the payment to any person, at the time of the service upon him of a subpena requiring his attendance at any inquiry or hearing conducted by any committee of the Congress or of the Senate or any subcommittee of any such committee, of any witness fee or any sum of money as an advance payment of any travel or subsistence expense which may be incurred by such person in responding to that subpena."

SEC. 2. (a) The provisions of this resolution shall be effective with respect to all witness expenses incurred on or after October 1, 1987.

(b) Senate Resolution 538, agreed to December 8, 1980, is repealed effective on October 1, 1987. [S. Res. 259, 100-1, Aug. 5, 1987.

70 COMMITTEE ON APPROPRIATIONS AUTHORITY

Resolved, That for the purpose of obtaining and laying factual data and information before the Senate Committee on Appropriations, or any subcommittee thereof, for its consideration in the discharge of its functions, the chairman or acting chairman of said committee is hereby authorized and directed, within the limit of funds made available by resolutions of the Senate, to appoint and employ such experts as he may deem necessary to obtain such data and information, and such experts, upon the written authority of the chairman or acting chairman, shall have the right to examine the books, documents, papers, reports, or other records of any department, agency, or establishment of the Federal Government in the District of Columbia and elsewhere; be it further

Resolved, That the said committee through its chairman is hereby authorized, within the limit of funds made available by resolutions of the Senate, to appoint additional clerical help and assistants.

[S. Res. 193, 78-1, Oct. 14, 1943; S. Res. 281, 96-2, Mar. 11, 1980.

72 CLOSING THE OFFICE OF A SENATOR OR SENATE LEADER WHO DIES OR RESIGNS

Resolved, That (a)(1) In the case of the death or resignation of a Senator during his term of office, the employees in the office of such Senator who are on the Senate payroll on the date of such death or resignation shall be continued on such payroll at their respective salaries for a period not to exceed sixty days, or such greater number of days as may, in any particular case, be established by the Senate Committee on Rules and Administration as being required to complete the closing of the office of such Senator. Such employees so continued on the payroll of the Senate shall, while so continued, perform their duties under the direction of the Secretary of the Senate, and such Secretary shall remove from such payroll any such employees who are not attending to the duties for which their services are continued.

(2) If an employee of a Senator continued on the Senate payroll pursuant to paragraph (1) resigns or is terminated during the period required to complete the closing of the office of such Senator, the Secretary of the Senate may replace such employee by appointing another individual. Any individual appointed as a replacement under the authority of the preceding sentence shall be subject to the same terms of employment, except for salary, as the employee such individual replaces.

(b) In the case of the death or resignation of a Senator while holding the office of President pro tempore, Deputy President pro tempore, Majority Leader, Minority Leader, Majority Whip, Minority Whip, Secretary of the Conference of the Majority, or Secretary of the Conference of the Minority, of the Senate, the employees of such office who are on the payroll of the Senate on the date of such death or resignation shall be continued on the Senate payroll in like manner and under the same conditions as are employees in the office of such Senator under subsection (a) of this section.

(c) No employee of the Senate who is continued on the payroll of the Senate under the preceding provisions of this section on account of the death or resignation of a Senator shall be continued on such payroll after the date of the expiration of the term of office of such Senator as a Senator, or, such later date as may, in any particular case, be established by the Senate Committee on Rules and Administration as being required to complete the closing of the office of such Senator.

(d) Payment of salaries of employees who are continued on the Senate payroll under authority of this section, and payment of agency contributions with respect to such salaries, shall be made from the account for Miscellaneous Items within the contingent fund of the Senate.

(e) During any period for which the employees of the office of a Senator, who has died or resigned, are continued on the Senate payroll under the first section of this resolution, official office expenses which are necessary in closing such Senator's office (or offices in case of a Senator who dies or resigns while holding an office referred to in subsection (b) of this section) shall be made from the account for Miscellaneous Items within the contingent fund of the Senate upon vouchers approved by the Secretary of the Senate; except that the aggregate of such expenses shall not exceed an amount equal to one-tenth of such Senator's official office expense account for the year in which he died or resigned.

(f) Duties to be performed by the Secretary of the Senate under this section and under section 2 of this resolution shall be performed under the direction of the Senate Committee on Rules and Administration.

SEC. 2. In the case of the death of any Senator, the Secretary of the Senate may, with respect to any item of expense for which payment had been authorized to be made from such Senator's official office expense account, certify for such deceased Senator for any sum already obligated but not certified to at the time of such Senator's death for payment to the person or persons designated as entitled to such payment by such Secretary.

SEC. 3. (a) The Sergeant at Arms and Doorkeeper of the Senate shall make such arrangements as may be necessary, in accordance with such regulations as the Senate Committee on Rules and Administration may prescribe, for:

(1) the funeral of a deceased Senator; and

(2) any committee appointed to attend the funeral of a deceased Senator.

(b) Expenses incurred in carrying out the provisions of subsection (a) of this section shall be paid from the account for Miscellaneous Items within the contingent fund of the Senate, on vouchers approved by the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 4. The following Senate resolutions are repealed: S. Res. 5, 82d Congress (agreed to April 11, 1951), and S. Res. 354, 95th Congress (agreed to January 20, 1978).

SEC. 5. (a) Except as provided in subsection (b) of this section, the provisions of this resolution shall take effect upon the date it is agreed to by the Senate.

(b) The first section of this resolution shall take effect on the date that there is hereafter enacted a provision of law which (1) makes inapplicable to any employee of the Senate the provisions of the third paragraph under the heading "Clerical assistance to Senators" of the first section of the Legislative Appropriation Act for the fiscal year ending June 30, 1928 (2 U.S.C. 92a), and (2) repeals (A) the last paragraph under the heading "Clerical assistance to Senators" of the first section of the Legislative Branch Appropriation Act, 1944 (2 U.S.C. 92e), (B) the last paragraph under the heading "Clerical assistance to Senators" of the first section of the Legislative Branch Appropriation Act, 1945 (2 U.S.C. 92e), (C) the next-to-last paragraph under the heading "Clerical assistance to Senators" of the first section of the Legislative Branch Appropriation Act, 1946 (2 U.S.C. 92e), and (D) the next-to-last paragraph under the heading "Clerical assistance to Senators" of the first section of the Legislative Branch Appropriation Act, 1947 (2 U.S.C. 92e).

(c) After the date this resolution is agreed to, the Chairman of the Senate Committee on Rules and Administration shall make no further certifications under authority of section 506(g) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(g)). [S. Res. 458, 98–2, Oct. 4, 1984; S. Res. 173, 100–1, Mar. 4, 1987.]

PAY OF CLERICAL AND OTHER ASSISTANTS AS AFFECTED BY TERMINATION OF SERVICE OF APPOINTED SENATORS 73

Resolved, That in any case in which (1) a Senator is appointed to fill any portion of an unexpired term, (2) an election is thereafter held to fill the remainder of such unexpired term, and (3) the Senator so appointed is not a candidate or if a candidate is not elected at such election, his clerical and other assistants on the payroll of the Senate on the date of termination of his service shall be continued on such roll at their respective salaries until the expiration of thirty days following such date or until they become otherwise gainfully employed, whichever is earlier, such sums to be paid from the contingent fund of the Senate. A statement in writing by any such employee that he was not gainfully employed during such period or the portion thereof for which payment is claimed shall be accepted as prima facie evidence that he was not so employed. The provisions of this resolution shall not apply to an employee of any such Senator if on or before the date of termination of his service he notifies the Disbursing Office of the Senate in writing that he does not wish the provisions of this resolution to apply to such employee. [S. Jour. 421, 86–2, June 28, 1960.

PRINTING OF THE EXECUTIVE JOURNAL 75

Resolved, That, beginning with the first session, Ninetieth Congress, the Secretary of the Senate is authorized to have printed not more than one hundred and fifty copies of the Executive Journal for a session of the Congress. [S. Jour. 167, 90-1, Feb. 17, 1967.

76 LOYALTY CHECKS ON SENATE EMPLOYEES [1]

Resolved, That hereafter when any person is appointed as an employee of any committee of the Senate, of any Senator, or of any office of the Senate the committee, Senator, or officer having authority to make such appointment shall transmit the name of such person to the Federal Bureau of Investigation, together with a request that such committee, Senator, or officer be informed as to any derogatory and rebutting information in the possession of such agency concerning the loyalty and reliability for security purposes of such person, and in any case in which such derogatory information is revealed such committee, Senator, or officer shall make or cause to be made such further investigation as shall have been considered necessary to determine the loyalty and reliability for security purposes of such person.

Every such committee, Senator, and officer shall promptly transmit to the Federal Bureau of Investigation a list of the names of the incumbent employees of such committee, Senator, or officer together with a request that such committee, Senator, or officer be informed of any derogatory and rebutting information contained in the files of such agency concerning the loyalty and reliability for security purposes of such employee. [S. Jour. 144, 83-1, Mar. 6, 1953.

77 AUTHORIZING SUIT BY SENATE COMMITTEES

Resolved, That hereafter any committee of the Senate is hereby authorized to bring suit on behalf of and in the name of the United States in any court of competent jurisdiction if the committee is of the opinion that the suit is necessary to the adequate performance of the powers vested in it or the duties imposed upon it by the Constitution, resolution of the Senate, or other law. Such suit may be brought and prosecuted to final determination irrespective of whether or not the Senate is in session at the time the suit is brought or thereafter. The committee may be represented in the suit either by such attorneys as it may designate or by such officers of the Department of Justice as the Attorney General may designate upon the request of the committee. No expenditures shall be made in connection with any such suit in excess of the amount of funds available to the said committee. As used in this resolution, the term "committee" means any standing or special committee of the Senate, or any duly authorized subcommittee thereof, or the Senate members of any joint committee. [S. Jour. 572, 70-1, May 28, 1928.

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[1] This resolution has not been generally implemented since the Federal Bureau of Investigation took the position that it was not authorized to divulge the information referred to in the resolution. However, the Bureau and the Department of Defense cooperate with Senate committees and offices which request security checks of specific employees when it is considered necessary by a committee chairman or officer of the Senate.

SENATE YOUTH PROGRAM 78

Whereas the continued vitality of our Republic depends, in part, on the intelligent understanding of our political processes and the functioning of our National Government by the citizens of the United States; and

Whereas the durability of a constitutional democracy is dependent upon alert, talented, vigorous competition for political leadership; and

Whereas individual Senators have cooperated with various private and university undergraduate and graduate fellowship and internship programs relating to the work of Congress; and

Whereas, in the high schools of the United States, there exists among students who have been elected to student-body offices in their sophomore, junior, or senior year a potential reservoir of young citizens who are experiencing their first responsibilities of service to a constituency and who should be encouraged to deepen their interest in and understanding of their country's political processes: Now, therefore, be it

Resolved, That the Senate hereby expresses its willingness to cooperate in a nationwide competitive high school Senate youth program which would give several representative high school students from each State a short indoctrination into the operation of the United States Senate and the Federal Government generally, if such a program can be satisfactorily arranged and completely supported by private funds with no expense to the Federal Government.

SEC. 2. The Senate Committee on Rules and Administration shall investigate the possibility of establishing such a program and, if the committee determines such a program is possible and advisable, it shall make the necessary arrangements to establish the program.

SEC. 3. For the purpose of this resolution, the term "State" includes the Department of Defense education system for dependents in overseas areas.

[S. Res. 324, 87-2, May 17, 1962; S. Res. 146, 97-1, July 30, 1981.

78.1 Whereas by S. Res. 324 of the Eighty-seventh Congress, agreed to May 17, 1962, the Senate expressed its willingness to cooperate in a nationwide competitive Senate youth program supported by private funds, which would give representative high school students from each State a short indoctrination into the operation of the United States Senate and the Federal Government generally, and authorized the Senate Committee on Rules and Administration, if it should find such a program possible and advisable, to make the necessary arrangements therefor; and

Whereas the Committee on Rules and Administration, after appropriate investigation, having determined such a program to be not only possible but highly desirable, authorized its establishment and with the support of the leaders and other Members of the Senate and the cooperation of certain private institutions made the necessary arrangements therefor; and

Whereas, pursuant to such arrangements, and with the cooperation of and participation by the offices of every Member of the Senate and the Vice President, one hundred and two student leaders representing all States of the Union and the District of Columbia were privileged to spend the period from January 28, 1963, through February 2, 1963, in the Nation's Capitol, thereby broadening their knowledge and understanding of Congress and the legislative process and stimulating their appreciation of the importance of a freely elected legislature in the perpetuation of our democratic system of government; and

Whereas by S. Res. 147 of the Eighty-eighth Congress, agreed to May 27, 1963, another group of student leaders from throughout the United States spent approximately one week in the Nation's Capitol, during January 1964; and

Whereas it is the consensus of all who participated that the above two programs were unqualifiedly successful, and in all respects worthy and deserving of continuance; and

Whereas the private foundation which financed the initial programs has graciously offered to support a similar program during the year ahead: Now, therefore, be it

Resolved, That, until otherwise directed by the Senate the Senate youth program authorized by S. Res. 324 of the Eighty-seventh Congress, agreed to May 17, 1962, and extended by S. Res. 147, agreed to May 27, 1963, may be continued at the discretion of and under such conditions as may be determined by the Committee on Rules and Administration. [S. Jour. 196, 88-2, Apr. 16, 1964.

SELECT COMMITTEE ON ETHICS 79

Resolved, That (a) there is hereby established a permanent select committee of the Senate to be known as the Select Committee on Ethics (referred to hereinafter as the "Select Committee") consisting of six Members of the Senate, of whom three shall be selected from members of the majority party and three shall be selected from members of the minority party. Members thereof shall be appointed by the Senate in accordance with the provisions of paragraph 1 of rule XXIV of the Standing Rules of the Senate at the beginning of each Congress. The Select Committee shall select a chairman or a vice chairman from among its members. For purposes of paragraph 4[1] of rule XXV of the Standing Rules of the Senate, service of a Senator as a member or chairman of the Select Committee shall not be taken into account.

(b) Vacancies in the membership of the Select Committee shall not affect the authority of the remaining members to execute the functions of the committee, and shall be filled in the same manner as original appointments thereto are made.

(c)(1) A majority of the members of the Select Committee shall constitute a quorum for the transaction of business involving complaints and allegations of misconduct, including the consideration of matters involving sworn complaints, unsworn allegations or information, resultant preliminary inquiries, initial reviews, investigations, hearings, recommendations or reports, and matters relating to S. Res. 400, agreed to May 19, 1976.

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[1] Changed from "paragraph 6" as a result of the adoption of S. Res. 274, 96-1, Nov. 14, 1979.

(2) Three members shall constitute a quorum for the transaction of the routine business of the Select Committee not covered by the first paragraph of this subparagraph, including requests for opinions and interpretations concerning the Code of Official Conduct or any other statute or regulation under the jurisdiction of the Select Committee, if one member of the quorum is a member of the majority party and one member of the quorum is a member of the minority party. During the transaction of routine business any member of the Select Committee constituting the quorum shall have the right to postpone further discussion of a pending matter until such time as a majority of the members of the Select Committee are present.

(3) The Select Committee may fix a lesser number as a quorum for the purpose of taking sworn testimony.

(d) (Repealed by S. Res. 271, 96-1, Oct. 31, 1979.)

(e)(1) A member of the Select Committee shall be ineligible to participate in any initial review or investigation relating to his own conduct, the conduct of any officer or employee he supervises, or the conduct of any employee of any officer he supervises, or relating to any complaint filed by him, and the determinations and recommendations of the Select Committee with respect thereto. For purposes of this subparagraph, a Member of the Select Committee and an officer of the Senate shall be deemed to supervise any officer or employee consistent with the provision of paragraph 11 of rule XXXVII [1] of the Standing Rules of the Senate.

(2) A member of the Select Committee may, at his discretion, disqualify himself from participating in any initial review or investigation pending before the Select Committee and the determinations and recommendations of the Select Committee with respect thereto. Notice of such disqualification shall be given in writing to the President of the Senate.

(3) Whenever any member of the Select Committee is ineligible under paragraph (1) to participate in any initial review or investigation or disqualifies himself under para-

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[1] Changed from "paragraph 12 of rule XLV" as a result of the adoption of S. Res. 274, 96-1, Nov. 14, 1979; further changed from "paragraph 11 of rule XLV" as a result of the adoption of S. Res. 389, 96-2, Mar. 25, 1980.

graph (2) from participating in any initial review or investigation, another Member of the Senate shall, subject to the provisions of subsection (d), be appointed to serve as a member of the Select Committee solely for purposes of such initial review or investigation and the determinations and recommendations of the Select Committee with respect thereto. Any Member of the Senate appointed for such purposes shall be of the same party as the Member who is ineligible or disqualifies himself.

SEC. 2. (a) It shall be the duty of the Select Committee to—

(1) receive complaints and investigate allegations of improper conduct which may reflect upon the Senate, violations of law, violations of the Senate Code of Official Conduct, and violations of rules and regulations of the Senate, relating to the conduct of individuals in the performance of their duties as Members of the Senate, or as officers or employees of the Senate, and to make appropriate findings of fact and conclusions with respect thereto;

(2) recommend to the Senate by report or resolution by a majority vote of the full committee disciplinary action (including, but not limited to, in the case of a Member: censure, expulsion, or recommendation to the appropriate party conference regarding such Member's seniority or positions of responsibility; and, in the case of an officer or employee: suspension or dismissal) to be taken with respect to such violations which the Select Committee shall determine, after according to the individuals concerned due notice and opportunity for hearing, to have occurred;

(3) recommend to the Senate, by report or resolution, such additional rules or regulations as the Select Committee shall determine to be necessary or desirable to insure proper standards of conduct by Members of the Senate, and by officers or employees of the Senate, in the performance of their duties and the discharge of their responsibilities; and

(4) report violations by a majority vote of the full committee of any law to the proper Federal and State authorities.

(b)(1) Each sworn complaint filed with the Select Committee shall be in writing, shall be in such form as the

Select Committee may prescribe by regulation, and shall be under oath.

(2) For purposes of this section, "sworn complaint" means a statement of facts within the personal knowledge of the complainant alleging a violation of law, the Senate Code of Official Conduct, or any other rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as Members, officers, or employees of the Senate.

(3) Any person who knowingly and willfully swears falsely to a sworn complaint does so under penalty of perjury, and the Select Committee may refer any such case to the Attorney General for prosecution.

(4) For the purposes of this section, "investigation" is a proceeding undertaken by the Select Committee after a finding, on the basis of an initial review, that there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred.

(c)(1) No investigation of conduct of a Member or officer of the Senate, and no report, resolution, or recommendation relating thereto, may be made unless approved by the affirmative recorded vote of not less than four members of the Select Committee.

(2) No other resolution, report, recommendation, interpretative ruling, or advisory opinion may be made without an affirmative vote of a majority of the members of the Select Committee voting.

(d)(1) When the Select Committee receives a sworn complaint against a Member or officer of the Senate, it shall promptly conduct an initial review of that complaint. The initial review shall be of duration and scope necessary to determine whether there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violaton within the jurisdiction of the Select Committee has occurred.

(2) If as a result of an initial review under paragraph (1), the Select Committee determines by a recorded vote that there is not such substantial credible evidence, the Select Committee shall report such determination to the complainant and to the party charged, together with an explanation of the basis of such determination.

(3) If as a result of an initial review under paragraph (1), the Select Committee determines that a violation is inadvertent, technical, or otherwise of a de minimis nature, the Select Committee may attempt to correct or prevent such a violation by informal methods.

(4) If as the result of an initial review under paragraph (1), the Select Committee determines that there is such substantial credible evidence but that the violation, if proven, is neither of a de minimis nature nor sufficiently serious to justify any of the penalties expressly referred to in subsection (a)(2), the Select Committee may propose a remedy it deems appropriate. If the matter is thereby resolved, a summary of the Select Committee's conclusions and the remedy proposed shall be filed as a public record with the Secretary of the Senate and a notice of such filing shall be printed in the Congressional Record.

(5) If as the result of an initial review under paragraph (1), the Select Committee determines that there is such substantial credible evidence, the Select Committee shall promptly conduct an investigation if (A) the violation, if proven, would be sufficiently serious, in the judgment of the Select Committee, to warrant imposition of one or more of the penalties expressly referred to in subsection (a)(2), or (B) the violation, if proven, is less serious, but was not resolved pursuant to paragraph (4) above. Upon the conclusion of such investigation, the Select Committee shall report to the Senate, as soon as practicable, the results of such investigation together with its recommendations (if any) pursuant to subsection (a)(2).

(6) Upon the conclusion of any other investigation respecting the conduct of a Member or officer undertaken by the Select Committee, the Select Committee shall report to the Senate, as soon as practicable, the results of such investigation together with its recommendations (if any) pursuant to subsection (a)(2).

(e) When the Select Committee receives a sworn complaint against an employee of the Senate, it shall consider the complaint according to procedures it deems appropriate. If the Select Committee determines that the complaint is without substantial merit, it shall notify the complainant and the accused of its determination, together with an explanation of the basis of such determination.

(f) The Select Committee may, in its discretion, employ hearing examiners to hear testimony and make findings of fact and/or recommendations to the Select Committee concerning the disposition of complaints.

(g) Notwithstanding any other provision of this section, no initial review or investigation shall be made of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provision of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code. The Select Committee may conduct an initial review or investigation of any alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Select Committee.

(h) The Select Committee shall adopt written rules setting forth procedures to be used in conducting investigations of complaints.

(i) The Select Committee from time to time shall transmit to the Senate its recommendation as to any legislative measures which it may consider to be necessary for the effective discharge of its duties.

Sec. 3. (a) The Select Committee is authorized to (1) make such expenditures; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) require by subpena or otherwise the attendance of such witnesses and the production of such correpondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony orally or by deposition; (7) employ and fix the compensation of a staff director, a counsel, an assistant counsel, one or more investigators, one or more hearing examiners, and such technical, clerical, and other assistants and consultants as it deems advisable; and (8) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, by contract as independent contractors or, in the case of individuals, by employment at daily rates of compensation not in excess of the per diem equivalent of the highest rate of compensation which may be paid to a regular employee of the Select Committee.

(b)(1) The Select Committee is authorized to retain and compensate counsel not employed by the Senate (or by any department or agency of the executive branch of the Government) whenever the Select Committee determines that the retention of outside counsel is necessary or appropriate for any action regarding any complaint or allegation, which, in the determination of the Select Committee is more appropriately conducted by counsel not employed by the Government of the United States as a regular employee.

(2) Any investigation conducted under section 2 shall be conducted by outside counsel as authorized in paragraph (1), unless the Select Committee determines not to use outside counsel.

(c) With the prior consent of the department or agency concerned, the Select Committee may (1) utilize the services, information, and facilities of any such department or agency of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee thereof, the Select Committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the chairman of the Select Committee determines that such action is necessary and appropriate.

(d) Subpenas may be issued (1) by the Select Committee or (2) by the chairman and vice chairman, acting jointly. Any such subpena shall be signed by the chairman or the vice chairman and may be served by any person designated by such chairman or vice chairman. The chairman of the Select Committee or any member thereof may administer oaths to witnesses.

(e)(1) The Select Committee shall prescribe and publish such regulations as it feels are necessary to implement the Senate Code of Official Conduct.

(2) The Select Committee is authorized to issue interpretative rulings explaining and clarifying the application of any law, the Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction.

(3) The Select Committee shall render an advisory opinion, in writing within a reasonable time, in response to a written request by a Member or officer of the Senate or a candidate for nomination for election, or election to the

Senate, concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(4) The Select Committee may in its discretion render an advisory opinion in writing within a reasonable time in response to a written request by any employee of the Senate concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(5) Notwithstanding any provision of the Senate Code of Official Conduct or any rule or regulation of the Senate, any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of paragraphs (3) and (4) and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction by the Senate.

(6) Any advisory opinion rendered by the Select Committee under paragraphs (3) and (4) may be relied upon by (A) any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered: *Provided, however,* That the request for such advisory opinion included a complete and accurate statement of the specific factual situation; and (B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(7) Any advisory opinion issued in response to a request under paragraph (3) or (4) shall be printed in the Congressional Record with appropriate deletions to assure the privacy of the individual concerned. The Select Committee shall to the extent practicable, before rendering an advisory opinion, provide any interested party with an opportunity to transmit written comments to the Select Committee with respect to the request for such advisory opinion. The advisory opinions issued by the Select Committee shall be compiled, indexed, reproduced, and made available on a periodic basis.

(8) A brief description of a waiver granted under section 102(a)(2)(B) of title I of Ethics in Government Act of 1978 [1] or paragraph 1 of rule XXXV [2] of the Standing Rules of the Senate shall be made available upon request in the Select Committee office with appropriate deletions to assure the privacy of the individual concerned.

Sec. 4. The expenses of the Select Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Select Committee.

Sec. 5. As used in this resolution, the term "officer or employee of the Senate" means—

(1) an elected officer of the Senate who is not a Member of the Senate;

(2) an employee of the Senate, any committee or subcommittee of the Senate, or any Member of the Senate;

(3) the Legislative Counsel of the Senate or any employee of his office;

(4) an Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties;

(5) a member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate;

(6) an employee of the Vice President if such employee's compensation is disbursed by the Secretary of the Senate;

(7) an employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate.

[S. Res. 338, 88-2, July 24, 1964; S. Res. 368, 93-2, July 25, 1974; S. Res. 4, 95-1, Feb. 4, 1977; S. Res. 110, 95-1, Apr. 1, 1977; S. Res. 230, 95-1, July 25, 1977; S. Res. 312, 95-1, Nov. 1, 1977; S. Res. 271, 96-1, Oct. 31, 1979; S. Res. 78, 97-1, Feb. 24, 1981.

SELECT COMMITTEE ON ETHICS—ADDITIONAL RESPONSIBILITY 79.1

Resolved, That the Senate assigns responsibility for administering the reporting requirements of Title I of the Ethics in Government Act of 1978 to the Select Committee on Ethics. [S. Res. 223, 96-1, Aug. 2, 1979.

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[1] Changed from "paragraph 2(c), of rule XLII" as a result of the adoption of S. Res. 220, 96-1, Aug. 3, 1979.

[2] Changed from "paragraph 1 of rule XLIII" as a result of the adoption of S. Res. 389, 96-2, Mar. 25, 1980.

79.1-1 SELECT COMMITTEE ON ETHICS—CHAIRMAN AND VICE CHAIRMAN LEGISLATIVE ASSISTANTS CLERK-HIRE ALLOWANCE

Resolved, That effective October 31, 1979, service of a Senator as the chairman or ranking minority member of the Select Committee on Ethics shall not be taken into account for purposes of applying section 111(b) of the Legislative Branch Appropriation Act, 1978.

[S. Res. 290, 96-1, Nov. 27, 1979.

79.1-2 AUTHORIZING THE SELECT COMMITTEE ON ETHICS TO PROVIDE TRAINING ASSISTANCE TO ITS PROFESSIONAL STAFF

Resolved, That the Select Committee on Ethics (hereinafter referred to as the "Select Committee") is authorized, with the approval of the Committee on Rules and Administration, to provide assistance for members of its professional staff in obtaining specialized training, whenever the Select Committee determines that such training will aid it in the discharge of its responsibilities.

SEC. 2. (a) Assistance provided under authority of this resolution may be in the form of continuance of pay during periods of training or grants of funds to pay tuition, fees, or such other expenses of training, or both, as may be approved by the Committee on Rules and Administration.

(b) The Select Committee shall obtain from any employee receiving such assistance such agreement with respect to continued employment with the Select Committee as it may deem necessary to assure that it will receive the benefits of such employee's services upon completion of his training.

SEC. 3. The expenses of the Select Committee in providing assistance under authority of this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Select Committee.

[S. Res. 425, 97-2, Aug. 12, 1982.

79.2 AWARD OF SERVICE PINS OR EMBLEMS

Resolved, That the Committee on Rules and Administration is hereby authorized to provide for the awarding of service pins or emblems to Members, officers, and employees of the Senate, and to promulgate regulations governing the awarding of such pins or emblems. Such pins or emblems shall be of a type appropriate to be attached to the lapel of the wearer, shall be of such appropriate material and design, and shall contain such characters, symbols, or other matter, as the committee shall select.

SEC. 2. The Secretary of the Senate, under direction of the committee and in accordance with regulations promulgated by the committee, shall procure such pins or emblems and award them to Members, officers, and employees of the Senate who are entitled thereto.

SEC. 3. The expenses incurred in procuring such pins or emblems shall be paid from the contingent fund of the Senate on vouchers signed by the chairman of the committee. [S. Jour. 45, 89-1, Sept. 10, 1965.

ACCEPTANCE OF DECORATIONS TENDERED BY FOREIGN GOVERNMENTS [1] 79.3

Resolved, That the Committee on Rules and Administration is hereby authorized to grant approval, for the purposes of section 7342 of title 5, United States Code, and regulations prescribed thereunder, of the acceptance, retention, and wearing by a Member, officer, or employee of the Senate of a decoration tendered by a foreign government in recognition of active field service in time of combat operations or awarded for other outstanding or unusually meritorious service. [S. Jour. 596, 90-2, July 19, 1968.

COMMISSION ON ART AND ANTIQUITIES OF THE UNITED STATES SENATE 79.4

Resolved, That (a) there is hereby established a Commission on Art and Antiquities of the United States Senate (hereinafter referred to as "the Commission") consisting of the President pro tempore of the Senate, the chairman and ranking minority member of the Committee on Rules and Administration of the Senate, and the majority and minority leaders of the Senate.

(b) The Commission shall elect a Chairman and a Vice Chairman at the beginning of each Congress. Three members of the Commission shall constitute a quorum for the transaction of business, except that the Commission may fix a lesser number which shall constitute a quorum for the taking of testimony.

(c) The Commission shall select a Curator of Art and Antiquities of the Senate who shall be appointed by and be an employee of the Secretary of the Senate. The Curator shall serve at the pleasure of the Commission, shall perform such duties as it may prescribe, and shall receive compensation at a gross rate, not to exceed $22,089 [1] per annum to be fixed by the Commission. At the request of the Commission the Secretary of the Senate shall detail to the Commission such additional professional, clerical, and other assistants as, from time to time, it deems necessary.

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[1] Superseded by section 7342 of title 5, United States Code, as amended by section 515 of Public Law 95-105, August 17, 1977.

(d) The Commission shall be empowered to hold hearings, summon witnesses, administer oaths, employ reporters, request the production of papers and records, take such testimony, and adopt such rules for the conduct of its hearings, and meetings, as it deems necessary.

SEC. 2. (a) The Commission is hereby authorized and, directed to supervise, hold, place, and protect all works of art, historical objects, and exhibits within the Senate wing of the Capitol, and in all rooms, spaces, and corridors thereof, which are the property of the United States, and in its judgment to accept any works of art, historical objects, or exhibits which may hereafter be offered, given, or devised to the Senate, its committees, and its officers for placement and exhibition in the Senate wing of the Capitol, the Senate Office Buildings, or in rooms, spaces, or corridors thereof.

(b) The Commission shall prescribe such regulations as it deems necessary for the care, protection, and placement of such works of art, exhibits, and historical objects in the Senate wing of the Capitol and Senate Office Buildings and for their acceptance on behalf of the Senate, its committees, and officers. Such regulations shall be published in the Congressional Record at such time or times as the Commission may deem necessary for the information of the Members of the Senate and the public.

(c) Regulations authorized by the provisions of section 1820 of the Revised Statutes (40 U.S.C. 193) to be issued by the Sergeant at Arms of the Senate for the protection of the Capitol, and any regulations issued, or activities undertaken, by the Committee on Rules and Administration of the Senate, or the Architect of the Capitol, in carrying out duties relating to the care, preservation, and protection of the Senate wing of the Capitol and the Senate

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[1] Superseded by 2 U.S.C. 61f-7, Pub. L. 97-51, Oct. 1, 1981, § 116, 95 Stat. 963. *See* Senate Manual section 258.5.

Office Buildings, shall be consistent with such rules and regulations as the Commission may issue pursuant to subsection (b).

(d) The Committee on Rules and Administration of the Senate in consultation with the Architect of the Capitol and consistent with regulations prescribed by the Commission under subsection (b), shall have responsibility for the supervision, protection, and placement of all works of art, historical objects, and exhibits which shall have been accepted on behalf of the Senate by the Commission or acknowledged as United States property by inventory of the Commission, and which may be lodged in the Senate wing of the Capitol or the Senate Office Buildings by the Commission.

SEC. 3. The Commission shall have responsibility for the supervision and maintenance of the Old Senate Chamber on the principal floor of the Senate wing of the Capitol insofar as it is to be preserved as a patriotic shrine in the Capitol for the benefit of the people of the United States.

SEC. 4. The Commission shall, from time to time, but at least once every ten years, publish as a Senate document a list of all works of art, historical objects, and exhibits currently within the Senate wing of the Capitol and the Senate Office Buildings, together with their description, location, and with such notes as may be pertinent to their history.

SEC. 5. There is hereby authorized to be appropriated out of the contingent fund of the Senate for the expenses of the Commission the sum of $15,000 [1] each fiscal year, to be disbursed by the Secretary of the Senate on vouchers signed by the Chairman or Vice Chairman of the Commission: *Provided,* That no payment shall be made from such appropriation as salary. [S. Jour. 836, 90-2, Oct. 1, 1968.

Resolved, That, effective with respect to the fiscal year 1989, and each fiscal year thereafter, the amount authorized to be expended out of the contingent fund of the Senate under section 5 of S. Res. 382, Ninetieth Congress, agreed to October 1 (legislative day, September 24), 1968, as amended and modified, is such amount as may be necessary.

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[1] Increased to $22,500 for each fiscal year by S. Res. 138, 98-1, agreed to May 25, 1983.

SEC. 2. In carrying out its function, the Commission on Art and Antiquities of the United States Senate may, with the prior approval of the Senate Committee on Rules and Administration, procure the temporary (not to exceed one year) or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services. [S. Res. 400, 100-2, Mar. 23, 1988.

79.5 COMMISSION ON ART AND ANTIQUITIES OF THE UNITED STATES SENATE—ADDITIONAL AUTHORITY

Resolved, That (a) the Commission on Art and Antiquities of the United States Senate, in addition to any authority conferred upon it by Senate Resolution 382, Ninetieth Congress, agreed to October 1, 1968, is authorized to acquire any work of art, historical object, document or material relating to historical matters, or exhibit for placement or exhibition in the Senate wing of the Capitol, the Senate Office Buildings, or in rooms, spaces, or corridors thereof.

(b) This resolution shall be effective as of March 1, 1971.

[S. Jour. 232-233, 92-1, Apr. 1, 1971.

79.6 STANDARDS OF CONDUCT FOR MEMBERS OF THE SENATE AND OFFICERS AND EMPLOYEES OF THE SENATE

Resolved, It is declared to be the policy of the Senate that—

(a) The ideal concept of public office, expressed by the words, "A public office is a public trust", signifies that the officer has been entrusted with public power by the people; that the officer holds this power in trust to be used only for their benefit and never for the benefit of himself or of a few; and that the officer must never conduct his own affairs so as to infringe on the public interest. All official conduct of Members of the Senate should be guided by this paramount concept of public office.

(b) These rules, as the written expression of certain standards of conduct, complement the body of unwritten but generally accepted standards that continue to apply to the Senate.

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[S. Jour. 247, 90-2, Mar. 22, 1968.

OFFICE OF DEPUTY PRESIDENT PRO TEMPORE 79.7

Resolved, That, effective January 5, 1977, there is hereby established in the United States Senate the Office of Deputy President Pro Tempore.

SEC. 2. Any Member of the Senate who has held the Office of President of the United States or Vice President of the United States shall be a Deputy President pro tempore.

SEC. 3. [Superseded.]

SEC. 4. The Sergeant at Arms and Doorkeeper is authorized (a) to provide, by lease or purchase, and maintain an automobile for each Deputy President pro tempore, and (b) to employ and fix the compensation of a driver-messenger for each Deputy President pro tempore at not to exceed $18,584 [1] per annum.

SEC. 5. [Superseded.]

SEC. 6. [Superseded.]

SEC. 7. Until otherwise provided by law, the Secretary of the Senate is authorized to pay from the contingent fund of the Senate such amounts as may be necessary, for salaries and expenses, to carry out the provisions of this resolution. Expenses incurred under section 4(a) of this resolution shall be paid upon vouchers approved by the Sergeant at Arms and Doorkeeper. Vouchers shall not be required for the disbursement of salaries of employees paid under authority of this resolution. [S. Res. 17, 95-1, Jan. 10, 1977.

Resolved, That (a) In addition to Senators who hold the office of Deputy President pro tempore under authority of S. Res. 17 of the 95th Congress (agreed to January 10, 1977), any other Member of the Senate who is designated as such by the Senate in a Senate resolution shall be the Deputy President pro tempore of the Senate, and shall hold office at the pleasure of the Senate during the 100th Congress.

(b) The Deputy President pro tempore who is designated as such pursuant to the authority contained in this resolution is authorized to appoint and fix the compensation of such employees as he deems appropriate: *Provided,* That the gross compensation paid to such employees shall not exceed $90,000 for any fiscal year.

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[1] Superseded by 2 U.S.C. 61f-7, Pub. L. 97-51, Oct. 1, 1981, § 116, 95 Stat. 963. *See* Senate Manual section 258.5.

(c) The following provisions shall not be applicable to the Deputy President pro tempore who is designated as such pursuant to the authority contained in this resolution:

(1) the provisions of S. Res. 17 of the 95th Congress (agreed to January 10, 1977);

(2) the provisions relating to compensation of a Deputy President pro tempore which appear in chapter VIII of title I of the Supplemental Appropriations Act, 1977, and which are carried in section 32a of title 2, United States Code; and

(3) the provisions relating to staff of a Deputy President pro tempore which appear in chapter VIII of title I of the Supplemental Appropriations Act, 1977, and which are carried in section 611 of title 2, United States Code.

(d) Salaries under authority of this section shall be paid from any funds available in the Senate appropriation account for Salaries, Officers and Employees.

Sec. 2. (a) The Sergeant at Arms and Doorkeeper is authorized to provide, by lease or purchase, and maintain an automobile for the former President pro tempore.

(b) The Secretary of the Senate is authorized to pay from the contingent fund of the Senate such amounts as may be necessary for expenses to carry out the provisions of this section. Such expenses shall be paid upon vouchers approved by the Sergeant at Arms and Doorkeeper.

[S. Res. 90, 100–1, Jan. 28, 1987.

79.8 DESIGNATING THE OLD SENATE OFFICE BUILDING AND THE NEW SENATE OFFICE BUILDING AS THE "RICHARD BREVARD RUSSELL SENATE OFFICE BUILDING" AND THE "EVERETT MCKINLEY DIRKSEN SENATE OFFICE BUILDING", RESPECTIVELY

Resolved, That insofar as concerns the Senate—

(1) the Senate Office building referred to as the Old Senate Office Building and constructed under authority of the Act of April 28, 1904 (33 Stat. 452, 481), is designated, and shall be known as, the "Richard Brevard Russell Senate Office Building"; and

(2) the additional office building for the Senate referred to as the New Senate Office Building and constructed under the provisions of the Second Deficiency Appropriation Act of 1948 (62 Stat. 1928), is designat-

ed, and shall be known as, the "Everett McKinley Dirksen Senate Office Building".

SEC. 2. Any rule, regulation, document, or record of the Senate, in which reference is made to either building referred to in the first section of this resolution, shall be held and considered to be a reference to such building by the name designated for such building by the first section of this resolution.

SEC. 3. The Committee on Rules and Administration shall place appropriate markers or inscriptions at suitable locations within the buildings referred to in the first section of this resolution to commemorate and designate such buildings as provided in this resolution. Expenses incurred under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

[S. Jour. 1197, 92-2, Oct. 11, 1972; S. Res. 295, 96-1, Dec. 3, 1979.

DESIGNATING THE EXTENSION TO THE DIRKSEN SENATE OFFICE BUILDING AS THE "PHILIP A. HART SENATE OFFICE BUILDING" 79.9

Resolved, That insofar as concerns the Senate, the extension of the Senate Office Building presently under construction pursuant to the Supplemental Appropriations Act, 1973 (86 Stat. 1510), is designated and shall be known as the "Philip A. Hart Senate Office Building", when completed.

SEC. 2. Any rule, regulation, document, or record of the Senate, in which reference is made to the building referred to in the first section of this resolution, shall be held and considered to be a reference to such building by the name designated for such building by the first section of this resolution.

SEC. 3. The Committee on Rules and Administration shall place appropriate markers or inscriptions at suitable locations within the building referred to in the first section of this resolution to commemorate and designate such building as provided in this resolution. Expenses incurred under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

[S. Res. 525, 94-2, Aug. 30, 1976; S. Res. 295, 96-1, Dec. 3, 1979.

79.10 PRINTING OF MEMORIAL TRIBUTES TO DECEASED FORMER MEMBERS OF THE SENATE

Resolved, That when the Senate orders the printing as a Senate document of the legislative proceedings in the United States Congress relating to the death of a former United States Senator, such document shall be prepared, printed, bound, and distributed, except to the extent otherwise provided by the Joint Committee on Printing under chapter 1 of title 44, United States Code, in the same manner and under the same conditions as memorial addresses on behalf of Members of Congress dying in office are printed under sections 723 and 724 of such title.

[S. Jour. 293, 93-1, Apr. 6, 1973.

79.11 SENATE PARLIAMENTARIAN EMERITUS

Whereas the Senate has been advised of the retirement of its Parliamentarian, Floyd M. Riddick, at the end of this session: Therefore be it

Resolved, That, effective at the sine die adjournment of this session, as a token of the appreciation of the Senate for his long and faithful service, Floyd M. Riddick is hereby designated as Parliamentarian Emeritus of the United States Senate. [S. Jour. 1519, 93-2, Dec. 5, 1974.

Resolved, That Murray Zweben be, and he is hereby, designated as a Parliamentarian Emeritus of the United States Senate. [S. Res. 297, 98-1, Nov. 18, 1983.

Resolved, That Robert B. Dove be, and he is hereby, designated as a Parliamentarian Emeritus of the United States Senate. [S. Res. 32, 100-1, Jan. 6, 1987.

79.12 CONSULTANTS FOR THE COMMITTEE ON APPROPRIATIONS

Resolved, That within the limit of funds appropriated for expenses of inquiries and investigations for the Committee on Appropriations, the committee may expend such sums as it deems appropriate and necessary for the procurement of the services of individual consultants or organizations. Such services in the case of individuals or organizations may be procured by contract as independent contractors, or in the case of individuals by employment at daily rates of compensation not in excess of the per diem equivalent of the highest gross rate of compensation which may be paid to a regular employee of the commit-

tee. Such contracts may be made in the same manner and subject to the same conditions with respect to advertising as required of other standing committees of the Senate under section 202(i)(2) of the Legislative Reorganization Act of 1946, as amended. [S. Res. 140, 94-1, May 14, 1975.

SELECT COMMITTEE ON INTELLIGENCE 79.13

Resolved, That it is the purpose of this resolution to establish a new select committee of the Senate, to be known as the Select Committee on Intelligence, to oversee and make continuing studies of the intelligence activities and programs of the United States Government, and to submit to the Senate appropriate proposals for legislation and report to the Senate concerning such intelligence activities and programs. In carrying out this purpose, the Select Committee on Intelligence shall make every effort to assure that the appropriate departments and agencies of the United States provide informed and timely intelligence necessary for the executive and legislative branches to make sound decisions affecting the security and vital interests of the Nation. It is further the purpose of this resolution to provide vigilant legislative oversight over the intelligence activities of the United States to assure that such activities are in conformity with the Constitution and laws of the United States.

SEC. 2. (a) (1) There is hereby established a select committee to be known as the Select Committee on Intelligence (hereinafter in this resolution referred to as the "select committee"). The select committee shall be composed of fifteen [1] members appointed as follows:

(A) two members from the Committee on Appropriations;

(B) two members from the Committee on Armed Services;

(C) two members from the Committee on Foreign Relations;

(D) two members from the Committee on the Judiciary; and

(E) seven members to be appointed from the Senate at large.

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[1] See paragraph 3(b) of rule XXV of the Standing Rules, Senate Manual section **25.3b.**

(2) Members appointed from each committee named in clauses (A) through (D) of paragraph (1) shall be evenly divided between the two major political parties and shall be appointed by the President pro tempore of the Senate upon the recommendations of the majority and minority leaders of the Senate. Four of the members appointed under clause (E) of paragraph (1) shall be appointed by the President pro tempore of the Senate upon the recommendation of the majority leader of the Senate and three shall be appointed by the President pro tempore of the Senate upon the recommendation of the minority leader of the Senate.

(3) The majority leader of the Senate and the minority leader of the Senate shall be ex officio members of the select committee but shall have no vote in the committee and shall not be counted for purposes of determining a quorum.

(b) No Senator may serve on the select committee for more than eight years of continuous service, exclusive of service by any Senator on such committee during the Ninety-fourth Congress. To the greatest extent practicable, one-third of the Members of the Senate appointed to the select committee at the beginning of the Ninety-seventh Congress and each Congress thereafter shall be Members of the Senate who did not serve on such committee during the preceding Congress.

(c) At the beginning of each Congress, the Members of the Senate who are members of the majority party of the Senate shall elect a chairman for the select committee, and the Members of the Senate who are from the minority party of the Senate shall elect a vice chairman for such committee. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. Neither the chairman nor the vice chairman of the select committee shall at the same time serve as chairman or ranking minority member of any other committee referred to in paragraph 4(e)(1)[1] of rule XXV of the Standing Rules of the Senate.

SEC. 3. (a) There shall be referred to the select committee all proposed legislation, messages, petitions, memorials, and other matters relating to the following:

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[1] Changed from "paragraph 6(e)(1)" as a result of the adoption of S. Res. 274, 96-1, Nov. 14, 1979.

(1) The Central Intelligence Agency and the Director of Central Intelligence.

(2) Intelligence activities of all other departments and agencies of the Government, including, but not limited to, the intelligence activities of the Defense Intelligence Agency, the National Security Agency, and other agencies of the Department of Defense; the Department of State; the Department of Justice; and the Department of the Treasury.

(3) The organization or reorganization of any department or agency of the Government to the extent that the organization or reorganization relates to a function or activity involving intelligence activities.

(4) Authorizations for appropriations, both direct and indirect, for the following:

(A) The Central Intelligence Agency and Director of Central Intelligence.

(B) The Defense Intelligence Agency.

(C) The National Security Agency.

(D) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(E) The intelligence activities of the Department of State.

(F) The intelligence activities of the Federal Bureau of Investigation, including all activities of the Intelligence Division.

(G) Any department, agency, or subdivision which is the successor to any agency named in clause (A), (B), or (C); and the activities of any department, agency, or subdivision which is the successor to any department, agency, bureau, or subdivision named in clause (D), (E), or (F) to the extent that the activities of such successor department, agency, or subdivision are activities described in clause (D), (E), or (F).

(b) Any proposed legislation reported by the select committee, except any legislation involving matters specified in clause (1) or (4)(A) of subsection (a), containing any matter otherwise within the jurisdiction of any standing committee shall, at the request of the chairman of such standing committee, be referred to such standing committee for its consideration of such matter and be reported to the Senate by such standing committee within thirty days after the day on which such proposed legislation is referred to such standing committee; and any proposed legislation reported by any committee, other than the select committee, which contains any matter within the jurisdiction of the select committee shall, at the request of the chairman of the select committee, be referred to the select committee for its consideration of such matter and be reported to the Senate by the select committee within thirty days after the day on which such proposed legislation is referred to such committee. In any case in which a committee fails to report any proposed legislation referred to it within the time limit prescribed herein, such committee shall be automatically discharged from further consideration of such proposed legislation on the thirtieth day following the day on which such proposed legislation is referred to such committee unless the Senate provides otherwise. In computing any thirty-day period under this paragraph there shall be excluded from such computation any days on which the Senate is not in session.

(c) Nothing in this resolution shall be construed as prohibiting or otherwise restricting the authority of any other committee to study and review any intelligence activity to the extent that such activity directly affects a matter otherwise within the jurisdiction of such committee.

(d) Nothing in this resolution shall be construed as amending, limiting, or otherwise changing the authority of any standing committee of the Senate to obtain full and prompt access to the product of the intelligence activities of any department or agency of the Government relevant to a matter otherwise within the jurisidiction of such committee.

SEC. 4. (a) The select committee, for the purposes of accountability to the Senate, shall make regular and periodic reports to the Senate on the nature and extent of the intelligence activities of the various departments and agencies of the United States. Such committee shall promptly call to the attention of the Senate or to any other appropriate committee or committees of the Senate any matters requiring the attention of the Senate or such other committee or committees. In making such report, the select committee shall proceed in a manner consistent with section 8(c)(2) to protect national security.

(b) The select committee shall obtain an annual report from the Director of the Central Intelligence Agency, the

Secretary of Defense, the Secretary of State, and the Director of the Federal Bureau of Investigation. Such reports shall review the intelligence activities of the agency or department concerned and the intelligence activities of foreign countries directed at the United States or its interest. An unclassified version of each report may be made available to the public at the discretion of the select committee. Nothing herein shall be construed as requiring the public disclosure in such reports of the names of individuals engaged in intelligence activities for the United States or the divulging of intelligence methods employed or the sources of information on which such reports are based or the amount of funds authorized to be appropriated for intelligence activities.

(c) On or before March 15 of each year, the select committee shall submit to the Committee on the Budget of the Senate the views and estimates described in section 301(c) of the Congressional Budget Act of 1974 regarding matters within the jurisdiction of the select committee.

SEC. 5. (a) For the purposes of this resolution, the select committee is authorized in its discretion (1) to make investigations into any matter within its jurisdiction, (2) to make expenditures from the contingent fund of the Senate, (3) to employ personnel, (4) to hold hearings, (5) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (6) to require, by subpena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (7) to take depositions and other testimony, (8) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, and (9) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The chairman of the select committee or any member thereof may administer oaths to witnesses.

(c) Subpenas authorized by the select committee may be issued over the signature of the chairman, the vice chairman or any member of the select committee designated by the chairman, and may be served by any person designated by the chairman or any member signing the subpenas.

SEC. 6. No employee of the select committee or any person engaged by contract or otherwise to perform services for or at the request of such committee shall be given access to any classified information by such committee unless such employee or person has (1) agreed in writing and under oath to be bound by the rules of the Senate (including the jurisdiction of the Select Committee on Standards and Conduct[1] and of such committee as to the security of such information during and after the period of his employment or contractual agreement with such committee; and (2) received an appropriate security clearance as determined by such committee in consultation with the Director of Central Intelligence. The type of security clearance to be required in the case of any such employee or person shall, within the determination of such committee in consultation with the Director of Central Intelligence, be commensurate with the sensitivity of the classified information to which such employee or person will be given access by such committee.

SEC. 7. The select committee shall formulate and carry out such rules and procedures as it deems necessary to prevent the disclosure, without the consent of the person or persons concerned, of information in the possession of such committee which unduly infringes upon the privacy or which violates the constitutional rights of such person or persons. Nothing herein shall be construed to prevent such committee from publicly disclosing any such information in any case in which such committee determines the national interest in the disclosure of such information clearly outweighs any infringement on the privacy of any person or persons.

SEC. 8. (a) The select committee may, subject to the provisions of this section, disclose publicly any information in the possession of such committee after a determination by such committee that the public interest would be served by such disclosure. Whenever committee action is required to disclose any information under this section, the committee shall meet to vote on the matter within five days after any member of the committee requests such a vote. No member of the select committee shall disclose any information, the disclosure of which requires a committee vote, prior to a vote by the committee on the question of the disclosure of such information or after such vote except in accordance with this section.

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[1] Name changed to the Select Committee on Ethics by S. Res. 4, 95-1, Feb. 4, 1977.

(b)(1) In any case in which the select committee votes to disclose publicly any information which has been classified under established security procedures, which has been submitted to it by the executive branch, and which the executive branch requests be kept secret, such committee shall notify the President of such vote.

(2) The select committee may disclose publicly such information after the expiration of a five-day period following the day on which notice of such vote is transmitted to the President, unless, prior to the expiration of such five-day period, the President, personally in writing, notifies the committee that he objects to the disclosure of such information, provides his reasons therefor, and certifies that the threat to the national interest of the United States posed by such disclosure is of such gravity that it outweighs any public interest in the disclosure.

(3) If the President, personally in writing, notifies the select committee of his objections to the disclosure of such information as provided in paragraph (2), such committee may, by majority vote, refer the question of the disclosure of such information to the Senate for consideration. The committee shall not publicly disclose such information without leave of the Senate.

(4) Whenever the select committee votes to refer the question of disclosure of any information to the Senate under paragraph (3), the chairman shall not later than the first day on which the Senate is in session following the day on which the vote occurs, report the matter to the Senate for its consideration.

(5) One hour after the Senate convenes on the fourth day on which the Senate is in session following the day on which any such matter is reported to the Senate, or at such earlier time as the majority leader and the minority leader of the Senate jointly agree upon in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate,[1] the Senate shall go intc closed session and the

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[1] Changed from "section 133(f) of the Legislative Reorganization Act of 1946" as a result of the adoption of S. Res. 274, 96-1, Nov. 14, 1979; further changed from "paragraph 5 of rule XXVII" as a result of the adoption of S. Res. 389, 96-2, Mar. 25, 1980.

matter shall be the pending business. In considering the matter in closed session the Senate may—

(A) approve the public disclosure of all or any portion of the information in question, in which case the committee shall publicly disclose the information ordered to be disclosed,

(B) disapprove the public disclosure of all or any portion of the information in question, in which case the committee shall not publicly disclose the information ordered not to be disclosed, or

(C) refer all or any portion of the matter back to the committee, in which case the committee shall make the final determination with respect to the public disclosure of the information in question.

Upon conclusion of the consideration of such matter in closed session, which may not extend beyond the close of the ninth day on which the Senate is in session following the day on which such matter was reported to the Senate, or the close of the fifth day following the day agreed upon jointly by the majority and minority leaders in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate[1] (whichever the case may be), the Senate shall immediately vote on the disposition of such matter in open session, without debate, and without divulging the information with respect to which the vote is being taken. The Senate shall vote to dispose of such matter by one or more of the means specified in clauses (A), (B), and (C) of the second sentence of this paragraph. Any vote of the Senate to disclose any information pursuant to this paragraph shall be subject to the right of a Member of the Senate to move for reconsideration of the vote within the time and pursuant to the procedures specified in rule XIII of the Standing Rules of the Senate, and the disclosure of such information shall be made consistent with that right.

(c)(1) No information in the possession of the select committee relating to the lawful intelligence activities of any department or agency of the United States which has been classified under established security procedures and which the select committee, pursuant to subsection (a) or (b) of this section, has determined should not be disclosed shall be made available to any person by a Member, officer, or employee of the Senate except in a closed session of the Senate or as provided in paragraph (2).

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[1] See footnote on p. 143.

(2) The select committee may, under such regulations as the committee shall prescribe to protect the confidentiality of such information, make any information described in paragraph (1) available to any other committee or any other Member of the Senate. Whenever the select committee makes such information available, the committee shall keep a written record showing, in the case of any particular information, which committee or which Members of the Senate received such information. No Member of the Senate who, and no committee which, receives any information under this subsection, shall disclose such information except in a closed session of the Senate.

(d) It shall be the duty of the Select Committee on Standards and Conduct[2] to investigate any unauthorized disclosure of intelligence information by a Member, officer or employee of the Senate in violation of subsection (c) and to report to the Senate concerning any allegation which it finds to be substantiated.

(e) Upon the request of any person who is subject to any such investigation, the Select Committee on Standards and Conduct[1] shall release to such individual at the conclusion of its investigation a summary of its investigation together with its findings. If, at the conclusion of its investigation, the Select Committee on Standards and Conduct[1] determines that there has been a significant breach of confidentiality or unauthorized disclosure by a Member, officer, or employee of the Senate, it shall report its findings to the Senate and recommend appropriate action such as censure, removal from committee membership, or expulsion from the Senate, in the case of a Member, or removal from office or employment or punishment for contempt, in the case of an officer or employee.

SEC. 9. The select committee is authorized to permit any personal representative of the President, designated by the President to serve as a liaison to such committee, to attend any closed meeting of such committee.

SEC. 10. Upon expiration of the Select Committee on Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress, all records, files, documents, and other materials in the possession, custody, or control of such committee, under appropriate conditions established by it, shall be transferred to the select committee.

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[2] Name changed to the Select Committee on Ethics by S. Res. 4, 95-1, Feb. 4, 1977.

SEC. 11. (a) It is the sense of the Senate that the head of each department and agency of the United States should keep the select committee fully and currently informed with respect to intelligence activities, including any significant anticipated activities, which are the responsibility of or engaged in by such department or agency: *Provided*, That this does not constitute a condition precedent to the implementation of any such anticipated intelligence activity.

(b) It is the sense of the Senate that the head of any department or agency of the United States involved in any intelligence activities should furnish any information or document in the possession, custody, or control of the department or agency, or person paid by such department or agency, whenever requested by the select committee with respect to any matter within such committee's jurisdiction.

(c) It is the sense of the Senate that each department and agency of the United States should report immediately upon discovery to the select committee any and all intelligence activities which constitute violations of the constitutional rights of any person, violations of law, or violations of Executive orders, presidential directives, or departmental or agency rules or regulations; each department and agency should further report to such committee what actions have been taken or are expected to be taken by the departments or agencies with respect to such violations.

SEC. 12. Subject to the Standing Rules of the Senate, no funds shall be appropriated for any fiscal year beginning after September 30, 1976, with the exception of a continuing bill or resolution, or amendment thereto, or conference report thereon, to, or for use of, any department or agency of the United States to carry out any of the following activities, unless such funds shall have been previously authorized by a bill or joint resolution passed by the Senate during the same or preceding fiscal year to carry out such activity for such fiscal year:

(1) The activities of the Central Intelligence Agency and the Director of Central Intelligence.

(2) The activities of the Defense Intelligence Agency.

(3) The activities of the National Security Agency.

(4) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(5) The intelligence activities of the Department of State.

(6) The intelligence activities of the Federal Bureau of Investigation, including all activities of the Intelligence Division.

SEC. 13. (a) The select committee shall make a study with respect to the following matters, taking into consideration with respect to each such matter, all relevant aspects of the effectiveness of planning, gathering, use, security, and dissemination of intelligence:

(1) the quality of the analytical capabilities of United States foreign intelligence agencies and means for integrating more closely analytical intelligence and policy formulation;

(2) the extent and nature of the authority of the departments and agencies of the executive branch to engage in intelligence activities and the desirability of developing charters for each intelligence agency or department;

(3) the organization of intelligence activities in the executive branch to maximize the effectiveness of the conduct, oversight, and accountability of intelligence activities; to reduce duplication or overlap; and to improve the morale of the personnel of the foreign intelligence agencies;

(4) the conduct of covert and clandestine activities and the procedures by which Congress is informed of such activities;

(5) the desirability of changing any law, Senate rule or procedure, or any Executive order, rule, or regulation to improve the protection of intelligence secrets and provide from disclosure of information for which there is no compelling reason for secrecy;

(6) the desirability of establishing a standing committee of the Senate on intelligence activities;

(7) the desirability of establishing a joint committee of the Senate and the House of Representatives on intelligence activities in lieu of having separate committees in each House of Congress, or of establishing

procedures under which separate committees on intelligence activities of the two Houses of Congress would receive joint briefings from the intelligence agencies and coordinate their policies with respect to the safeguarding of sensitive intelligence information;

(8) the authorization of funds for the intelligence activities of the Government and whether disclosure of any of the amounts of such funds is in the public interest; and

(9) the development of a uniform set of definitions for terms to be used in policies or guidelines which may be adopted by the executive or legislative branches to govern, clarify, and strengthen the operation of intelligence activities.

(b) The select committee may, in its discretion, omit from the special study required by this section any matter it determines has been adequately studied by the Select Committee To Study Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress.

(c) The select committee shall report the results of the study provided for by this section to the Senate, together with any recommendations for legislative or other actions it deems appropriate, no later than July 1, 1977, and from time to time thereafter as it deems appropriate.

SEC. 14. (a) As used in this resolution, the term "intelligence activities" includes (1) the collection, analysis, production, dissemination, or use of information which relates to any foreign country, or any government, political group, party, military force, movement, or other association in such foreign country, and which relates to the defense, foreign policy, national security, or related policies of the United States, and other activity which is in support of such activities; (2) activities taken to counter similar activities directed against the United States; (3) covert or clandestine activities affecting the relations of the United States with any foreign government, political group, party, military force, movement or other association; (4) the collection, analysis, production, dissemination, or use of information about activities of persons within the United States, its territories and possessions, or nationals of the United States abroad whose political and related activities pose, or may be considered by any department, agency, bureau, office, division, instrumentality, or employee of the United States to pose, a threat to the internal security of the United States, and covert or clandestine activities directed against such persons. Such term does not include tactical foreign military intelligence serving no national policymaking function.

(b) As used in this resolution, the term "department or agency" includes any organization, committee, council, establishment, or office within the Federal Government.

(c) For purposes of this resolution, reference to any department, agency, bureau, or subdivision shall include a reference to any successor department, agency, bureau, or subdivision to the extent that such successor engages in intelligence activities now conducted by the department, agency, bureau, or subdivision referred to in this resolution.

SEC. 15. (This section authorized funds for the select committee for the period May 19, 1976, through Feb. 28, 1977.)

SEC. 16. Nothing in this resolution shall be construed as constituting acquiescence by the Senate in any practice, or in the conduct of any activity, not otherwise authorized by law. [S. Res. 400, 94-2, May 19, 1976; S. Res. 4, 95-1, Feb. 4, 1977.

EQUAL EMPLOYMENT OPPORTUNITIES [1] 79.14

Whereas the Senate supports the principle that each individual is entitled to the equal protection of the laws guaranteed by the Fourteenth Article of Amendment to the Constitution of the United States; and

Whereas the Senate as an employer is not compelled by law to provide to its employees the protections against discrimination established in the Equal Pay Act of 1963 or title VII of the Civil Rights Act of 1964: Now, therefore, be it

Resolved, That (a) no Member, officer, or employee of the Senate shall, with respect to employment by the Senate or any office thereof—

(1) fail or refuse to hire an individual,

(2) discharge an individual, or

(3) otherwise discriminate against an individual with respect to promotion, compensation, or terms, conditions, or privileges of employment,

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[1] See also rule XLII of the Standing Rules of the Senate.

on the basis of such individual's race, color, religion, sex, national origin or state of handicap.

(b) Each Member, officer, and employee of the Senate shall encourage the hiring of women and members of minority groups at all levels of employment on the staffs of Members, officers, and committees of the Senate.

[S. Res. 534, 94-2, Sept. 8, 1976.

79.15 REORGANIZATION OF SENATE COMMITTEE SYSTEM [2]

Resolved, That this resolution may be cited as the "Committee System Reorganization Amendments of 1977".

TITLE 1—SENATE COMMITTEES; JURISDICTIONS AND SIZES

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79.16 SPECIAL COMMITTEE ON AGING

SEC. 104. (a)(1) There is established a Special Committee on Aging (hereafter in this section referred to as the "special committee") which shall consist of nineteen [3] members. The members and chairman of the special committee shall be appointed in the same manner and at the same time as the members and chairman of a standing committee of the Senate. After the date on which the majority and minority members of the special committee are initially appointed on or after the effective date of title I of the Committee System Reorganization Amendments of 1977, each time a vacancy occurs in the membership of the special committee, the number of members of the special committee shall be reduced by one until the number of members of the special committee consists of nine Senators.

(2) [4] For purposes of paragraph 1 of rule XXV; paragraphs 1, 7(a)(1)-(2), 9, and 10(a) of rule XXVI; and paragraphs 1(a)-(d), and 2 (a) and (d) of rule XXVII of the Standing Rules of the Senate; and for purposes of section 202 (i) and (j) of the Legislative Reorganization Act of 1946, the special committee shall be treated as a standing committee of the Senate.[5]

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[2] Omitted portions amended the Standing Rules of the Senate and various Senate resolutions, were temporary in nature, or have been executed.

[3] See paragraph 3(b) of rule XXV of the Standing Rules, Senate Manual section 25.3b.

[4] The references in this paragraph were changed as a result of the adoption of S. Res. 274, 96-1, Nov. 14, 1979; and further changed as a result of the adoption of S. Res. 389, 96-2, Mar. 25, 1980.

[5] As amended, S. Res. 78, 95-1, Feb. 11, 1977; S. Res. 376, 95-2, Mar. 6, 1978.

(b)(1) It shall be the duty of the special committee to conduct a continuing study of any and all matters pertaining to problems and opportunities of older people, including, but not limited to, problems and opportunities of maintaining health, of assuring adequate income, of finding employment, of engaging in productive and rewarding activity, of securing proper housing, and, when necessary, of obtaining care or assistance. No proposed legislation shall be referred to such committee, and such committee shall not have power to report by bill, or otherwise have legislative jurisdiction.

(2) The special committee shall, from time to time (but not less often than once each year), report to the Senate the results of the study conducted pursuant to paragraph (1), together with such recommendation as it considers appropriate.

(c)(1) For the purposes of this section, the special committee is authorized, in its discretion, (A) to make investigations into any matter within its jurisdiction, (B) to make expenditures from the contingent fund of the Senate, (C) to employ personnel, (D) to hold hearings, (E) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (F) to require, by subpena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (G) to take depositions and other testimony, (H) to procure the services of individual consultations or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, and (I) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(2) The chairman of the special committee or any member thereof may administer oaths to witnesses.

(3) Subpenas authorized by the special committee may be issued over the signature of the chairman, or any member of the special committee designated by the chairman, and may be served by any person designated by the chairman or the member signing the subpena.

(d) All records and papers of the temporary Special Committee on Aging established by Senate Resolution 33, Eighty-seventh Congress, are transferred to the special committee.

(e) (Executed.)

79.17 SELECT COMMITTEE ON INDIAN AFFAIRS

SEC. 105. (a)(1) There is established a temporary Select Committee on Indian Affairs (hereafter in this section referred to as the "select committee") which shall consist of seven members, four to be appointed by the President of the Senate, upon the recommendation of the majority leader, from among members of the majority party and three to be appointed by the President of the Senate, upon the recommendation of the minority leader, from among the members of the minority party. The select committee shall select a chairman from among its members.

(2) A majority of the members of the committee shall constitute a quorum thereof for the transaction of business, except that the select committee may fix a lesser number as a quorum for the purpose of taking testimony. The select committee shall adopt rules of procedure not inconsistent with this section and the rules of the Senate governing standing committees of the Senate.

(3) Vacancies in the membership of the select committee shall not affect the authority of the remaining members to execute the functions of the select committee.

(4) For purposes of paragraph 4[1] of rule XXV of the Standing Rules of the Senate, service of a Senator as a member or chairman of the select committee shall not be taken into account.

(b)(1) All proposed legislation, messages, petitions, memorials, and other matters relating to Indian affairs shall be referred to the select committee.

(2) It shall be the duty of the select committee to conduct a study of any and all matters pertaining to problems and opportunities of Indians, including but not limited to, Indian land management and trust responsibilities, Indian education, health, special services, and loan programs, and Indian claims against the United States.

(3) The select committee shall from time to time report to the Senate, by bill or otherwise, its recommendations with respect to matters referred to the select committee or otherwise within its jurisdiction.

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[1] Changed from "paragraph 6" as a result of the adoption of S. Res. 274, 96-1, Nov. 14, 1979.

(c)(1) For the purposes of this section, the select committee is authorized, in its discretion, (A) to make investigations into any matter within its jurisdiction, (B) to make expenditures from the contingent fund of the Senate, (C) to employ personnel, (D) to hold hearings, (E) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (F) to require, by subpena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (G) to take depositions and other testimony, (H) to procure the services of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, and (I) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(2) The chairman of the select committee or any member thereof may administer oaths to witnesses.

(3) Subpenas authorized by the select committee may be issued over the signature of the chairman, or any member of the select committee designated by the chairman, and may be served by any person designated by the chairman or the member signing the subpena.

(d) The select committee shall cease to exist on January 2, 1984,[1] and effective on January 3, 1984, jurisdiction over the matters specified in subsection (b)(1) and the duty specified in subsection (b)(2) are transferred to the Committee on Labor and Human Resources.[2]

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[Sec. 105 of S. Res. 4, 95-1, Feb. 4, 1977; S. Res. 405, 95-2, Oct. 15, 1978; S. Res. 448, 96-2, Dec. 11, 1980; Cong. Rec., Nov. 18, 1983; S. Res. 127, 98-2, June 6, 1984.

TITLE II—COMMITTEE ASSIGNMENTS; CHAIRMANSHIPS 79.18

SEC. 201. * * *

(f) It is the sense of the Senate that, in adopting rules, each committee of the Senate should include a provision to insure that assignment of Senators to subcommittees will occur in an equitable fashion; namely, that no member of a committee will receive assignment to a second subcommittee until, in order of seniority, all members of the committee have chosen assignments to one subcommittee, and no member shall receive assignment to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

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[1] The Senate, by unanimous consent, Nov. 18, 1983, provided for the continuation of the select committee with all of its jurisdictional responsibilities until July 1, 1984. S. Res. 127, agreed to June 6, 1984, established the Select Committee on Indian Affairs as a permanent committee of the Senate.

[2] Name changed from Committee on Human Resources by S. Res. 30, 96-1, Mar. 7, 1979.

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79.19 TITLE IV—SCHEDULING OF COMMITTEE MEETINGS

SEC. 401. (a) In consultation with the Majority Leader and the Minority Leader, the Committee on Rules and Administration shall establish and maintain a computerized schedule of all meetings of committees of the Senate and subcommittees thereof, and of all meetings of joint committees of the Congress and subcommittees thereof. Such schedule shall be maintained online to terminals in the offices of all Senators, committees of the Senate, and permanent joint committees of the Congress, and shall be updated immediately upon receipt of notices of meetings or cancellations thereof under this section.

(b) Each committee of the Senate, and each subcommittee thereof, shall notify the office designated by the Committee on Rules and Administration of each meeting of such committee or subcommittee, including the time period or periods (as prescribed in paragraph 6 of rule XXVI[1] of the Standing Rules of the Senate), the place, and the purpose of such meeting. The Senate members of any joint committee of the Congress or of a subcommittee thereof shall cause notice to be given to the office designated by the Committee on Rules and Administration of each meeting of such joint committee or subcommittee, including the time, place, and purposes of such meeting. Notice under this subsection shall be given immediately upon scheduling a meeting.

(c) Each committee of the Senate, and each subcommittee thereof, shall notify the office designated by the Committee on Rules and Administration immediately upon the cancellation of a meeting of such committee or subcommittee. The Senate members of any joint committee of the Congress or any subcommittee thereof shall cause notice to be given to the office designated by the Committee on Rules and Administration immediately upon the cancellation of a meeting of such joint committee or subcommittee.

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[1] Changed from "paragraph 9 of rule XXV" as a result of the adoption of S. Res. 274, 96-1, Nov. 14, 1979.

(d) For purposes of this section, the term "joint committee of the Congress" includes a committee of conference.

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TITLE V—CONTINUING REVIEW OF THE COMMITTEE SYSTEM 79.20

SEC. 501. (a) The Committee on Rules and Administration, in consultation with the Majority Leader and the Minority Leader, shall review, on a continuing basis, the committee system of the Senate and the Standing Rules and other rules of the Senate related thereto.

(b) During the second regular session of each Congress, the Committee on Rules and Administration shall submit to the Senate a report of the results of its review under subsection (a) during that Congress. Such report shall include its recommendations (if any) for changes in the committee system of the Senate and the Standing Rules and other rules of the Senate related thereto. The Committee on Rules and Administration may submit, from time to time, such other reports and recommendations with respect to such committee system and rules as it deems appropriate.

(c) The Committee on Rules and Administration, the Majority Leader, and the Minority Leader may request the Secretary for the Majority and the Secretary for the Minority to provide assistance in carrying out their duties and responsibilities under this section.

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[S. Res. 4, 95-1, Feb. 4, 1977.

SENIOR CITIZEN INTERNSHIP PROGRAM 79.21

Resolved, That (a) each Senator is authorized to employ for not more than fourteen consecutive days each year during the month of May a senior citizen intern to serve in his office in Washington, District of Columbia.

(b) To be eligible to serve as a senior citizen intern an individual shall certify to the Secretary of the Senate that he has attained the age of sixty years, is a bona fide resident of the State of his employing Senator, and is a citizen of the United States.

(c) Each senior citizen intern shall receive compensation at an annual rate not exceeding $25,112.[1] Whenever an order of the President pro tempore of the Senate is issued under authority of section 4 of the Federal Pay Comparability Act of 1970, such maximum annual rate shall be increased by the same percentage as is prescribed in such order for specified positions and, as so increased, adjusted to the next higher multiple prescribed in such order.

(d) Each senior citizen intern shall be paid, in lieu of reimbursement for the actual cost of transportation in traveling from and to the place of his residence and Washington, District of Columbia, and for per diem expenses while so traveling, an amount not exceeding an amount computed under the following table for traveling to Washington, District of Columbia, and returning to the place of his residence:

Round trip distance in miles from residence to Washington, District of Columbia

(As computed by standard highway mileage guide)

	Reimbursement rate per mile
Not more than 750	$0.19
More than 750 but not more than 1,500	.18
More than 1,500 but not more than 2,000	.17
More than 2,000 but not more than 3,500	.16
More than 3,500 but not more than 4,500	.15
More than 4,500 but not more than 5,000	.14
More than 5,000 but not more than 6,000	.13
More than 6,000 but not more than 7,000	.12
More than 7,000 but not more than 8,000	.11
More than 8,000 but not more than 10,000	.10
More than 10,000	.09

SEC. 2. Compensation and payment under this resolution shall be paid from and charged against the clerk-hire and travel allowances of the Senator employing such senior citizen intern.

SEC. 3. The Committee on Rules and Administration is authorized to prescribe such rules and regulations as it determines necessary to carry out this resolution.

[S. Res. 219, 95-2, May 5, 1978.

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[1] As modified by Orders of the President pro tempore issued under section 4 of the Federal Pay Comparability Act of 1970.

TRANSPORTATION COSTS AND TRAVEL EXPENSES INCURRED BY MEMBERS AND EMPLOYEES OF THE SENATE WHEN ENGAGED IN AUTHORIZED FOREIGN TRAVEL 79.22

Resolved, That until otherwise provided by law or resolution of the Senate, the contingent fund of the Senate is made available, as provided in this resolution, to defray the costs of transportation and the ordinary and necessary travel expenses of Members and employees of the Senate when engaged in authorized foreign travel. The Secretary of the Senate is authorized to advance funds, under authority of this resolution, in the same manner provided for committees of the Senate under the authority of Public Law 118, Eighty-first Congress, approved June 22, 1949.

SEC. 2. (a) Transportation costs and ordinary and necessary travel expenses incurred by a Member or employee engaged in authorized foreign travel shall be paid upon certification of such Member or employee, and upon vouchers approved by the Senator who authorized such foreign travel.

(b) Transportation costs and ordinary and necessary travel expenses which are incurred for a group of Members or employees engaged in authorized foreign travel shall be paid upon certification of the Member who is chairman of such group (or, if no chairman has been designated, upon certification of the ranking Member of such group) or, if the group does not include a Member, upon certification of the senior employee in such group, and upon vouchers approved by the Senator who authorized such foreign travel.

(c) The reports of the Secretary of the Senate setting forth amounts paid from the contingent fund under authority of this resolution shall, at the request of the chairman of the Select Committee on Intelligence, omit any matter which would identify the foreign countries in which Members and employees of the Select Committee traveled on behalf of the Select Committee.

SEC. 3. Payment of transportation costs and ordinary and necessary travel expenses may not be paid under this resolution to the extent that appropriated funds or foreign currencies under section 502(b) of the Mutual Security Act of 1954 are utilized to defray such costs and expenses. Such funds and currencies shall be used to the maximum extent possible.

SEC. 4. For purposes of this resolution—

(1) The term "foreign travel" means travel outside the United States and includes travel within the United States which is the beginning or end of travel outside the United States.

(2) The term "authorized foreign travel" means foreign travel on official business on behalf of the Senate or a committee of the Senate which is authorized—

(A) in the case of foreign travel on behalf of the Senate, by the President pro tempore, Majority Leader, or Minority Leader of the Senate; and

(B) in the case of foreign travel on behalf of a committee of the Senate, by the chairman of that committee.

(3) The term "committee of the Senate" includes all standing, select, and special committees of the Senate and all joint committees of the Congress whose funds are disbursed by the Secretary of the Senate.

(4) The term "employee of the Senate" includes an individual (other than a Member) whose salary is disbursed by the Secretary of the Senate or who is treated as an employee of the Senate for purposes of the Senate Code of Official Conduct.

(5) The term "ordinary and necessary travel expenses" includes, in the case of a group of Members engaged in authorized foreign travel, such special expenses as the chairman (or, if there is no chairman, the ranking Member) deems appropriate, including, to the extent not otherwise provided, reimbursements to any agency of the Government for (A) expenses incurred on behalf of the group, (B) compensation (including overtime) of employees of such agency officially detailed to the group, and (C) expenses incurred in connection with providing appropriate hospitality.

[S. Res. 179, 95-1, May 25, 1977.

79.23 DOCUMENTATION REQUIRED FOR REIMBURSEMENTS OUT OF SENATORS' OFFICIAL OFFICE EXPENSE ACCOUNTS

Resolved, That (a) no payments or reimbursements for expenses shall be made from the contingent fund of the Senate, unless the vouchers presented for such expenses are accompanied by supporting documentation.

(b) The Committee on Rules and Administration is authorized to promulgate regulations to carry out the purpose of this resolution and to except specific vouchers from the requirements of subsection (a) of this resolution.

(c) This resolution shall apply with respect to vouchers submitted for payment or reimbursement on and after October 1, 1987, or upon the adoption of this resolution if such adoption occurs at a later date.

(d) Senate Resolution 170, 96th Congress (agreed to August 2, 1979), is repealed as of October 1, 1987, or upon adoption of this resolution if such adoption occurs at a later date. Any regulations adopted by the Committee on Rules and Administration to implement Senate Resolution 170 shall remain in effect, after the repeal of Senate Resolution 170, until modified or repealed by such committee, and shall be held and considered to be regulations adopted to implement this resolution. [S. Res. 258, 100-1, Oct. 1, 1987

INTERPARLIAMENTARY ACTIVITIES AND RECEPTION OF CERTAIN FOREIGN OFFICIALS 79.24

Resolved, That the Committee on Foreign Relations is authorized from March 1, 1981, until otherwise provided by law, to expend not to exceed $25,000 each fiscal year to assist the Senate properly to discharge and coordinate its activities and responsibilities in connection with participation in various interparliamentary institutions and to facilitate the interchange and reception in the United States of members of foreign legislative bodies and prominent officials of foreign governments and intergovernmental organizations.

SEC. 2. The Secretary of the Senate is authorized and directed to pay from the contingent fund of the Senate the actual and necessary expenses incurred in connection with activities authorized by this resolution and approved in advance by the chairman of the Committee on Foreign Relations upon vouchers certified by the Senator incurring such expenses and approved by the chairman.

[S. Res. 247, 87-2, Feb. 7, 1962; S. Res. 91, 94-1, Mar. 18, 1975; S. Res. 281, 96-2, Mar. 11, 1980.

RELATIVE TO CONTRIBUTIONS FOR COSTS OF CIVIL, CRIMINAL, OR OTHER LEGAL INVESTIGATIONS OF MEMBERS, OFFICERS, OR EMPLOYEES OF THE SENATE 79.25

Resolved, That nothing in the provisions of the Standing Rules of the Senate shall be construed to limit contributions to defray investigative, civil, criminal, or other legal expenses of Members, officers, or employees of the Senate relating to their service in the United States Senate, subject to limitations, regulations, procedures, and reporting requirements which shall be promulgated by the Select Committee on Ethics. Nothing in the provisions of the Standing Rules of the Senate shall be construed to limit contributions to defray the legal expenses of the spouses or dependents of Members, officers, or employees of the Senate. [S. Res. 508, 96-2, Sept. 4, 1980.

79.27 RESTRICTIONS ON CERTAIN EXPENSES PAYABLE OR REIMBURSABLE FROM A SENATOR'S OFFICIAL OFFICE EXPENSE ACCOUNT

Resolved, That except for section 3, this resolution applies only to payments and reimbursements from the contingent fund of the Senate under paragraphs (5) and (9) of section 506(a) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(a)). For purposes of such paragraphs, the terms "official office expenses" and "other official expenses" mean ordinary and necessary business expenses incurred by a Senator and his staff in the discharge of their official duties.

SEC. 2. Reimbursements and payments from the contingent fund of the Senate under paragraphs (5) and (9) of section 506(a) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(a)) shall not be made for:

(1) commuting expenses, including parking fees incurred in commuting;

(2) expenses incurred for the purchase of holiday greeting cards, flowers, trophies, awards, and certificates;

(3) donations or gifts of any type, except gifts of flags which have been flown over the United States Capitol and copies of the book "We, the People";

(4) dues or assessments;

(5) expenses incurred for the purchases of radio or television time, or for space in newspaper or other print media (except classified advertising for personnel to be employed in a Senator's office);

(6) expenses incurred by an individual who is not an employee (except as specifically authorized by subsections (e) and (h) of such section 506);

(7) travel expenses incurred by an employee which are not reimbursable under subsection (e) of such section 506;

(8) relocation expenses incurred by an employee in connection with the commencement or termination of employment or a change of duty station; and

(9) compensation paid to an individual for personal services performed in a normal employer-employee relationship.

SEC. 3. Payment of or reimbursement for the following expenses is specifically prohibited by law and reimbursements and payments from the contingent fund of the Senate shall not be made therefor:

(1) expenses incurred for entertainment or meals (2 U.S.C. 58(a));

(2) payment of additional salary or compensation to an employee (2 U.S.C. 68); and

(3) expenses incurred for maintenance or care of private vehicles (Legislative Branch Appropriation Acts).

SEC. 4. This resolution shall apply with respect to expenses incurred on or after the date on which this resolution is agreed to. [S. Res. 294, 96-2, Apr. 29, 1980.

TELEVISION AND RADIO BROADCAST OF SENATE CHAMBER PROCEEDINGS [1] 79.28

Resolved, That (a) the Senate hereby authorizes and directs that there be both television and radio broadcast coverage (together with videotape and audio recordings) of proceedings in the Senate Chamber.

(b) Such broadcast coverage shall be—

(1) provided in accordance with provisions of this resolution;

(2) provided continuously, except for any time when the Senate is conducting a quorum call, or when a meeting with closed doors is ordered; and

(3) provided subject to the provisions pertaining to the Senate gallery contained in the following Standing Rules of the Senate: rule XIX, paragraphs 6 and 7; rule XXV, paragraph 1(n); and rule XXXIII, paragraph 2.

SEC. 2. The radio and television broadcast of Senate proceedings shall be supervised and operated by the Senate.

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[1] Omitted sections amended Standing Rules of the Senate, and are reflected in Senate Manual sections 1-42.

SEC. 3. The television broadcast of Senate proceedings shall follow the Presiding Officer and Senators who are speaking, clerks, and the chaplain except during rollcall votes when the television cameras shall show the entire Chamber.

SEC. 4. (a) The broadcast coverage by radio and television of the proceedings of the Senate shall be implemented as provided in this section.

(b) The Architect of the Capitol, in consultation with the Sergeant at Arms and Doorkeeper of the Senate, shall—

(1) construct necessary broadcasting facilities for both radio and television (including a control room and the modification of Senate sound and lighting fixtures);

(2) employ necessary expert consultants; and

(3) acquire and install all necessary equipment and facilities to (A) produce a broadcast-quality "live" audio and color video signal of such proceedings, and (B) provide an archive-quality audio and color video tape recording of such proceedings:

Provided, That the Architect of the Capitol, in carrying out the duties specified in clauses (1) through (3) of this subsection, shall not enter into any contract for the purchase or installation of equipment, for employment of any consultant, or for the provision of training to any person, unless the same shall first have been approved by the Committee on Rules and Administration.

(c)(1)[1] The Sergeant at Arms and Doorkeeper of the Senate shall—

(A) employ such staff as may be necessary, working in conjunction with the Senate Recording and Photographic Studios, to operate and maintain all broadcast audio and color video equipment installed pursuant to this resolution;

(B) make audio and video tape recordings, and copies thereof as requested by the Secretary under paragraph (2) of Senate proceedings; and

(C) retain for 30 session-days after the day any Senate proceedings took place, such recordings thereof, and as soon thereafter as possible, transmit to the Secretary of the Senate copies of such recordings.

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[1] As amended, S. Res. 459, 100–2, Sept. 14, 1988.

The Sergeant at Arms and Doorkeeper of the Senate, in carrying out the duties specified in subgragraphs (A) and (B), shall comply with appropriate Senate procurement and other regulations.

(2) The Secretary of the Senate is authorized to obtain from the Sergeant at Arms archival quality video recordings of Senate proceedings and, as soon thereafter as possible, transmit such recordings to the Librarian of Congress and to the Archivist of the United States.

SEC. 5 (a) Radio coverage of Senate proceedings shall—

(1) begin as soon as the necessary equipment has been installed; and

(2) be provided continuously at all times when the Senate is in session (or is meeting in Committee of the Whole), except for any time when a meeting with closed doors is ordered.

(b) As soon as practicable but no later than May 1, there shall begin a test period during which tests of radio and television coverage of Senate proceedings shall be conducted by the staffs of the Committee on Rules and Administration and of the Office of the Sergeant at Arms and Doorkeeper of the Senate. Television coverage of Senate proceedings shall go live June 1, 1986. The test period aforementioned shall end on July 15, 1986.

(c) During such test period—

(1) final procedures for camera direction control shall be established;

(2) television coverage of Senate proceedings shall not be transmittted between May 1st and June 1st, except that, at the direction of the chairman of the Committee on Rules and Administration, such coverage may be transmitted over the coaxial cable system of the Architect of the Capitol; and

(3) recording of Senate proceedings shall be retained by the Secretary of the Senate.

SEC. 6.[1] (a) The use of any tape duplication of radio or television coverage of the proceedings of the Senate for political campaign purposes is strictly prohibited.

(b)(1) Except as provided in paragraph (2), any tape duplication of radio or television coverage of the proceedings of the Senate furnished to any person or organization shall be made on the condition, agreed to in writing, that the tape duplication shall not be used for political campaign purposes.

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[1] As amended, S. Res. 431, 100-2, June 7, 1988.

(2) Any public or commercial news organization furnished a tape duplication described in paragraph (1) shall be subject to the provisions of paragraph (1) but shall not be required to enter into a written agreement.

SEC. 7. Any changes in the regulations made by this resolution shall be made only by Senate resolution. However, the Committee on Rules and Administration may adopt such procedures and such regulations, which do not contravene the regulations made by this resolution, as it deems necessary to assure the proper implementation of the purposes of this resolution.

SEC. 8. Such funds as may be necessary (but not in excess of $3,500,000) to carry out this resolution shall be expended from the contingent fund of the Senate.

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SEC. 14. Provided, that if the Senate authorizes the permanent televising of the Senate pursuant to section 15, that radio and television coverage of the Senate shall be made available on a "live" basis and free of charge to (1) any accredited member of the Senate Radio and Television Correspondents Gallery, (2) the coaxial cable system of the Architect of the Capitol, and (3) such other news gathering, educational, or information distributing entity as may be authorized by the Committee on Rules and Administration to receive such broadcasts.

SEC. 15. Television coverage of the Senate shall cease at the close of business July 15, 1986, and television coverage of the Senate and the rules changes contained herein shall continue, if the Senate agrees to the question, which shall be put one hour after the Senate convenes on July 29, 1986, "Shall radio and television coverage continue after this date, and shall the rules changes contained herein continue?".[1] There shall be twelve hours of debate on this question, to be equally divided and controlled in the usual form, at the end of which any Senator may propose as an alternative the question, "Shall the test period continue for thirty days?". On this question there shall be one hour of debate, equally divided and controlled in the usual form. If this question is decided in the affirmative, then thirty days hence, one hour after the Senate convenes, the Senate shall proceed to vote without intervening action on the question, "Shall radio and television coverage continue after this date and shall the rules changes contained herein continue?".

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[1] Pursuant to this provision, the question was considered and decided in the affirmative by a vote of 78–21. *See* Daily Cong. Rec., 99th Cong., 2d sess., July 29, 1986, pp. 9750–9775.

SEC. 16. Provided, that official noting of a Senator's absence from committees while the Senate is on television is prohibited. [S. Res. 28, 99-2, Feb. 27, 1986.

SEC. 17. The Secretary of the Senate shall, subject to the approval of the Senate Committee on Rules and Administration, contract with the Secretary of Education to provide closed captioning of the Senate floor proceedings. The Senate authorizes the Secretary of Education to have access to the audio and video broadcast of the Senate floor proceedings for the purpose of captioning. Such funds as may be necessary to carry out the purposes of this section are authorized to be paid from the contingent fund of the Senate. [S. Res. 13, 101-1, June 21, 1989.

Resolved, That, notwithstanding any other provision of S. Res. 28, agreed to February 27, 1986, television coverage of the Senate shall resume July 21, 1986 under the same basis as provided during the live test period under section 5 of S. Res. 28 unless the Senate votes pursuant to section 15 of S. Res. 28 to end coverage. [S. Res. 444, 99-2, July 15, 1986.

OFFICIAL SENATE FLAG 79.29

Resolved, That the Secretary of the Senate is authorized and directed to design an official Senate flag utilizing the seal of the Senate as the principal symbol on such flag. Expenses incident to the designing and procurement of such flag shall be paid from the contingent fund of the Senate upon vouchers signed by the Secretary of the Senate.

SEC. 2. The Senate flag shall be available for purchase and use by Senators, or former Senators, only subject to the following conditions—

(1) [1] purchase of the flag shall be limited to—

(A) two flags for each Senator, or former Senator, subject to replacement for loss, destruction, or wear and tear;

(B) two flags for each Senate committee, as determined by the chairman and ranking member, subject to replacement for loss, destruction, or wear and tear; and

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[1] Amended by S. Res. 135, 101-1, June 2, 1989.

(C) two flags for each officer of the Senate, subject to replacement for loss, destruction, or wear and tear; and

(2) the flag shall not be utilized or displayed for commercial purposes.

Senators who leave the Senate may retain their flags subject to the preceding restrictions. [S. Res. 369, 98-2, Sept. 7, 1984.

79.30 VOTES SHALL BE CAST FROM ASSIGNED DESK

Resolved, That it is a standing order of the Senate that during yea and nay votes in the Senate, each Senator shall vote from the assigned desk of the Senator.

[S. Res. 480, 98-2, Oct. 11, 1984.

79.31 OFFICE OF SENATE SECURITY

Resolved, That (a) there is established, within the Office of the Secretary of the Senate (hereinafter referred to as the "Secretary"), the Office of Senate Security (hereinafter referred to as the "Office"), which shall be headed by a Director of Senate Security (hereinafter referred to as the "Director"). The Office shall be under the policy direction of the Majority and Minority Leaders of the Senate, and shall be under the administrative direction and supervision of the Secretary.

(b)(1) The Director shall be appointed by the Secretary after consultation with the Majority and Minority Leaders. The Secretary shall fix the compensation of the Director. Any appointment under this subsection shall be made solely on the basis of fitness to perform the duties of the position and without regard to political affiliation.

(2) The Director, with the approval of the Secretary, and after consultation with the Chairman and Ranking Member of the Committee on Rules and Administration of the Senate, may establish such policies and procedures as may be necessary to carry out the provisions of this resolution. Commencing one year from the effective date of this resolution, the Director shall submit an annual report to the Majority and Minority Leaders and the Chairman and Ranking Member of the Committee on Rules and Administration on the status of security matters and the handling of classified information in the Senate, and the

progress of the Office in achieving the mandates of this resolution.

Sec. 2. (a) The Secretary shall appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this resolution. The Director, with the approval of the Secretary, shall prescribe the duties and responsibilities of such personnel. If a Director is not appointed, the Office shall be headed by an Acting Director. The Secretary shall appoint and fix the compensation of the Acting Director.

(b) The Majority and Minority Leaders of the Senate may each designate a Majority staff assistant and a Minority staff assistant to serve as their liaisons to the Office. Upon such designation, the Secretary shall appoint and fix the compensation of the Majority and Minority liaison assistants.

Sec. 3. (a) The Office is authorized, and shall have the responsibility, to develop, establish, and carry out policies and procedures with respect to such matters as:

(1) the receipt, control, transmission, storage, destruction or other handling of classified information addressed to the United States Senate, the President of the Senate, or Members and employees of the Senate;

(2) the processing of security clearance requests and renewals for officers and employees of the Senate;

(3) establishing and maintaining a current and centralized record of security clearances held by officers and employees of the Senate, and developing recommendations for reducing the number of clearances held by such employees;

(4) consulting and presenting briefings on security matters and the handling of classified information for the benefit of Members and employees of the Senate;

(5) maintaining an active liaison on behalf of the Senate, or any committee thereof, with all departments and agencies of the United States on security matters; and

(6) conducting periodic review of the practices and procedures employed by all offices of the Senate for the handling of classified information.

(b) Within 180 days after the Director takes office, he shall develop, after consultation with the Secretary, a Senate Security Manual, to be printed and distributed to all Senate offices. The Senate Security Manual will prescribe the policies and procedures of the Office, and set forth regulations for all other Senate offices for the handling of classified information.

(c) Within 90 days after taking office, the Director shall conduct a survey to determine the number of officers and employees of the Senate that have security clearances and report the findings of the survey to the Majority and Minority Leaders and Secretary of the Senate together with recommendations regarding the feasibility of reducing the number of employees with such clearances.

(d) The Office shall have authority—

(1) to provide appropriate facilities in the United States Capitol for hearings of committees of the Senate at which restricted data or other classified information is to be presented or discussed;

(2) to establish and operate a central repository in the United States Capitol for the safeguarding of classified information for which the Office is responsible; which shall include the classified records, transcripts, and materials of all closed sessions of the Senate; and

(3) to administer and maintain oaths of secrecy under paragraph (2) of rule XXIX of the Standing Rules of the Senate and to establish such procedures as may be necessary to implement the provisions of such paragraph.

SEC. 4. Funds appropriated for the fiscal year 1987 which would be available to carry out the purposes of the Interim Office of Senate Security[1] but for the termination of such Office shall be available for the Office of Senate Security.

SEC. 5. (a) All records, documents, data, materials, rooms, and facilities in the custody of the Interim Office of Senate Security at the time of its termination on July 10, 1987, are transferred to the Office established by subsection (a) of the first section of this resolution.

(b) This resolution shall take effect on July 11, 1987.

[S. Res. 243, 100-1, July 1, 1987.

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[1] S. Res. 229, 100-1, June 5, 1987, established an Interim Office of Senate Security to which all documents, facilities and functions of the Office of Classified National Security Information were transferred for the period June 6 to July 10, 1987. See Senate Manual section 276.

DEBT COLLECTION 79.32

Resolved, That, for purposes of subchapters I and II of chapter 37 of title 31, United States Code (relating to claims of or against the United States Government), the United States Senate shall be considered to be a legislative agency (as defined in section 3701(a)(4) of such title), and the Secretary of the Senate shall be deemed to be the head of such legislative agency.

SEC. 2. Regulations prescribed by the Secretary pursuant to section 3716 of title 31, United States Code, shall not become effective until they are approved by the Senate Committee on Rules and Administration.

[S. Res. 147, 101-1, June 20, 1989.

[80]

RULES FOR REGULATION OF THE SENATE WING OF THE UNITED STATES CAPITOL [1]

[Adopted by the Committee on Rules and Administration pursuant to rule XXXIII of the Standing Rules of the Senate]

RULE I 80

SERGEANT AT ARMS

The Sergeant at Arms of the Senate, under the direction of the Presiding Officer, shall be the Executive Officer of the body for the enforcement of all rules made by the Committee on Rules and Administration for the regulation of the Senate wing of the Capitol and the Senate Office Buildings. The Senate floor shall be at all times under his immediate supervision, and he shall see that the various subordinate officers of his department perform the duties to which they are especially assigned.

The Sergeant at Arms shall see that the messengers assigned to the doors upon the Senate floor are at their posts and that the floor, cloakrooms, and lobby are cleared at least five minutes before the opening of daily sessions of all persons not entitled to remain there. In the absence of the Sergeant at Arms the duties of his office, so far as they pertain to the enforcement of the rules, shall devolve upon the Deputy Sergeant at Arms.

RULE II 81

MAJORITY AND MINORITY SECRETARIES

The secretary for the majority and the secretary for the minority shall be assigned, during the daily sessions of the Senate, to duty upon the Senate floor.

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[1] Corrected to October 1987.

82 RULE III

USE OF THE SENATE CHAMBER

In order to secure and protect the Senate Chamber and its furniture and furnishings, the language contained in paragraph numbered one of rule XXXIII of the Standing Rules of the Senate, which reads "The Senate Chamber shall not be granted for any other purpose than for the use of the Senate," shall be interpreted to mean that when the Senate is not sitting in session or otherwise using the Chamber for some function of the Senate, no Senator shall seat any person or persons in chairs of Senators others than the chair assigned to him (other persons shall not seat anyone in a chair of a Senator); and lectures, talks, or speeches shall not be given at such times to groups on the floor by Senators or others except for the purpose of explaining the Chamber.

83 RULE IV

TAKING OF PICTURES PROHIBITED; [1] USE OF MECHANICAL EQUIPMENT IN CHAMBER

83.1 1. The taking of pictures of any kind is prohibited in the Senate Chamber, the Senate Reading Rooms (Marble Room and Lobby), the Senate Cloakrooms, and the Private Dining Room of the Senate.

83.2 2. The Sergeant at Arms shall be authorized to admit into the Senate Chamber such mechanical equipment and/or devices which, in the judgment of the Sergeant at Arms, are necessary and proper in the conduct of official Senate business and which by their presence shall not in any way distract, interrupt, or inconvenience the business or Members of the Senate.

84 RULE V

MESSENGERS ACTING AS ASSISTANT DOORKEEPERS

The messengers acting as Assistant Doorkeepers shall be assigned to their duties by the Sergeant at Arms.

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[1] Paragraph 1 of rule IV has been temporarily suspended on Sept. 24, 1963, Dec. 10, 1971, July 30, 1975, Mar. 9, 1978, Sept. 13, 1979, Apr. 7, 1981, Sept. 25, 1984, Apr. 25, 1985, and June 24, 1987, for the taking of official photographs of the Senate in session, and on Dec. 19, 1974, for telecasting the inauguration of Vice President Nelson A. Rockefeller. Senate authorization for the telecasting of the New Hampshire contested senatorial election debate was not utilized.

RULE VI 85

GALLERIES

The Sergeant at Arms shall keep the aisles of the galleries clear, and shall not allow admittance into the galleries of more than their seating capacity, nor shall he allow admittance of children under the age of six into the galleries. He shall not permit any person to enter a gallery with or carrying any firearms or dangerous weapons except for law enforcement and other personnel performing duties under the direction of the Senate, or any package, bundle, suitcase, briefcase, or camera; he shall not permit any person in any gallery to smoke, applaud, or commit any other type of demonstration either by sound or sign; except in the press, radio, television, and correspondents' galleries he shall not permit any person to read (except the Senate seating diagram) or to write or take notes (except bona fide employees of the Senate when sitting in the Staff Gallery and making notes in the course of their employment); he shall not permit any person to take any picture or photograph or to sketch or draw; he shall not permit any person to place any object whatsoever—including hats, coats, or other personal apparel—or portion of a person on any railing, or any male to wear a hat, except that where a man's religious beliefs require that he wear a head-cover in such public places as the Senate Gallery, then such head-cover shall be permitted; [1] and he shall not allow any person to lean forward over the railings or to place his or her hands thereon.

The galleries of the Senate shall be set apart and occupied as follows:

PRESS GALLERY 85.1

The gallery in the rear of the Vice President's chair shall be set apart for reporters of daily newspapers.

The administration of the Press Gallery shall be vested in a Standing Committee of Correspondents elected by accredited members of the gallery. The committee shall consist of five persons elected to serve for terms of two years: *Provided, however,* That at the election in January 1951, the three candidates receiving the highest number of votes shall serve for two years and the remaining two for one year. Thereafter, three members shall be elected in odd-numbered years and two in even-numbered years. Elections shall be held in January. The committee shall elect its own chairman and secretary. Vacancies on the committee shall be filled by special election to be called by the Standing Committee.

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[1] Adopted Apr. 1, 1987.

Persons desiring admission to the Press Gallery in the Senate wing shall make application in accordance with rule XXXIII for the regulation of the Senate wing of the Capitol, which rule shall be interpreted and administered by the Standing Committee of Correspondents, subject to the review and approval by the Senate Committee on Rules and Administration.

The Standing Committee of Correspondents shall limit membership in the Press Gallery to bona fide correspondents of repute in their profession, under such rules as the Standing Committee of Correspondents shall prescribe: *Provided, however,* That the Standing Committee of Correspondents shall admit to the Press Gallery no person who does not establish to the satisfaction of the Standing Committee all of the following:

a. That his or her principal income is obtained from news correspondence intended for publication in newspapers entitled to second-class mailing privileges.

b. That he or she is not engaged in paid publicity or promotion work or in prosecuting any claim before Congress or before any department of the Government, and will not become so engaged while a member of the Press Gallery.

c. That he or she is not engaged in any lobbying activity and will not become so engaged while a member of the Press Gallery.

Members of the families of correspondents are not entitled to the privileges of the Press Gallery.

The Standing Committee of Correspondents shall propose no change or changes in these rules except upon petition in writing signed by not less than 100 accredited members of the Press Gallery.

85.2 RADIO AND TELEVISION CORRESPONDENTS GALLERY

The front row in the northeast public gallery shall be set apart for the use of the radio-television correspondents.

Persons desiring admission to the Radio and Television Correspondents Gallery of the Senate shall make application to the Committee on Rules and Administration of the Senate, as required by rule XXXIII for the regulation of the Senate wing of the Capitol; and shall also state, in writing, the names of all radio stations, television stations, systems, or news-gathering organizations by which they are employed; and what other occupation or employment they may have, if any; and shall further declare that they are not engaged in the prosecution of claims or promotion of legislation pending before Congress, the departments, or the independent agencies, and that they will not become so employed without resigning from the gallery. They shall further declare that they are not employed in any legislative or executive department or independent agency of the Government, or by any foreign government or representative thereof; that they are not engaged in any lobbying activities; that they do not and will not, directly or indirectly, furnish special information to any organization, individual, or group of individuals, for the influencing of prices on any commodity or stock exchange; that they will not do so during the time they retain membership in the gallery. Holders of visitors' cards who may be allowed temporary admission to the gallery must conform to all the restrictions of this paragraph.

It shall be prerequisite to membership that the radio station, television station, system, or news-gathering agencies which the applicants represent shall certify, in writing, to the Radio and Television Correspondents Gallery that the applicants conform to the foregoing regulations.

The applications required by the above rule shall be authenticated in a manner that shall be satisfactory to the Executive Committee of the Radio and Television Correspondents Gallery, which shall see that the occupation of the gallery is confined to bona fide news gatherers and/or reporters of reputable standing in their business who represent radio stations, television stations, systems, or news-gathering agencies engaged primarily in serving radio stations, television stations, or systems. It shall be the duty of the Executive Committee of the Radio and Television Correspondents Gallery to report, at its discretion, violation of privileges of the gallery to the Senate Committee on Rules and Administration, and, pending action thereon, the offending individual may be suspended.

Persons engaged in other occupations, whose chief attention is not given to—or more than one-half of their earned income is not derived from—the gathering or reporting of news for radio stations, television stations, systems, or news-gathering agencies primarily serving radio stations, television stations, or systems, shall not be entitled to admission to the Radio and Television Correspondents Gallery. The Radio and Television Correspondents list in the Congressional Directory shall be a list only of persons whose chief attention is given to the gathering and reporting of news for radio stations, television stations, and systems engaged in the daily dissemination of news, and of representatives of news-gathering agencies engaged in the daily service of news to such radio stations, television stations, or systems.

Members of the families of correspondents are not entitled to the privileges of the gallery.

The Radio and Television Correspondents Gallery shall be under the control of the Executive Committee of the Radio and Television Correspondents Gallery, subject to the approval and supervision of the Senate Committee on Rules and Administration.

85.3 PERIODICAL PRESS GALLERY

The front row in the northwest public gallery shall be set aside for the use of the periodical press.

1. Persons eligible for admission to the Periodical Press Gallery of the Senate must be bona fide resident correspondents of reputable standing, giving their chief attention to the gathering and reporting of news. They shall state in writing the names of their employers and their additional sources of earned income; and they shall declare that, while a member of the Gallery, they will not act as an agent in the prosecution of claims, and will not become engaged or assist, directly or indirectly, in any lobbying, promotion, advertising, or publicity activity intended to influence legislation or any other action of the Congress, nor any matter before any independent agency, or any department or other instrumentality of the Executive Branch; and that they will not act as an agent for, or be employed by the federal, or any state, local or foreign government or representatives thereof; and that they will

not, directly or indirectly, furnish special or "insider" information intended to influence prices or for the purpose of trading on any commodity or stock exchange; and that they will not become employed, directly or indirectly, by any stock exchange, board of trade or other organization or member thereof, or brokerage house or broker engaged in the buying and selling of any security or commodity. Applications shall be submitted to the Executive Committee of the Periodical Correspondents' Association and shall be authenticated in a manner satisfactory to the Executive Committee.

2. Applicants must be employed by periodicals that regularly publish a substantial volume of news material of either general, economic, industrial, technical, cultural or trade character. The periodical must require such Washington coverage on a continuing basis and must be owned and operated independently of any government, industry, institution, association, or lobbying organization. Applicants must also be employed by a periodical that is published for profit and is supported chiefly by advertising or by subscription, or by a periodical meeting the conditions in this paragraph but published by a non-profit organization that, first, operates independently of any government, industry, or institution and, second, does not engage, directly or indirectly, in any lobbying or other activity intended to influence any matter before Congress or before any independent agency or any department or other instrumentality of the Executive Branch. House organs are not eligible.

3. Members of the families of correspondents are not entitled to the privileges of the gallery.

4. The Executive Committee may issue temporary credentials permitting the privileges of the Gallery to individuals who meet the rules of eligibility but who may be on short term assignment or temporarily resident in Washington.

5. Under the authority of Rule XXXIII of the Senate, the Periodical Press Gallery of the Senate shall be under the control of the Executive Committee, subject to the approval and supervision of the Senate Committee on Rules and Administration. It shall be the duty of the Executive Committee, at its discretion, to report violations of the privileges of the Gallery to the Senate Committee on Rules and Administration, and pending action thereon,

the offending correspondent may be suspended. The Committee shall be elected at the start of each Congress by members of the Periodical Correspondents' Association, and shall consist of seven members with no more than one member from any one publishing organization. The Committee shall elect its own officers, and a majority of the Committee may fill vacancies on the Committee. The list in the Congressional Directory shall be a list only of members of the Periodical Correspondents' Association.

85.4 PRESS PHOTOGRAPHERS' GALLERY

1. (a) Administration of the Press Photographers' Gallery is vested in a Standing Committee of Press Photographers consisting of six persons elected by accredited members of the gallery. The Committee shall be composed of one member each from Associated Press Photos, United Press International Newspictures, magazine media, and local newspapers and two "at large" members. "At large" members may be, but need not be, selected from a media otherwise represented on the Committee.

(b) The term of office of a member of the Committee elected as the Associated Press Photos member, the local newspapers member, or one of the "at large" members shall expire on the day of the election held in the first odd-numbered year following the year in which he was elected, and the term of office of a member of the Committee elected as the United Press International Newspictures member, the magazine media member, or the remaining "at large" member shall expire on the day of the election held in the first even-numbered year following the year in which he was elected, except that a member elected to fill a vacancy occurring prior to the expiration of a term shall serve only for the unexpired portion of such term.

(c) Elections shall be held as early as practicable in each year, and in no case later than March 31. A vacancy in the membership of the Committee occurring prior to the expiration of a term shall be filled by special election called for that purpose by the Committee.

(d) The Standing Committee of the Press Photographers' Gallery shall propose no change or changes in these rules except upon petition in writing signed by not less than 25 accredited members of the gallery.

2. Persons desiring admission to the Press Photographers' Gallery of the Senate shall make application in accordance with Rule XXXIII of the Senate, which rule shall be interpreted and administered by the Standing Committee of Press Photographers subject to the review and approval of the Senate Committee on Rules and Administration.

3. The Standing Committee of Press Photographers shall limit membership in the photographers' gallery to bona fide news photographers of repute in their profession and to heads of Photographic Bureaus under such rules as the Standing Committee of Press Photographers shall prescribe.

4. *Provided, however,* That the Standing Committee of Press Photographers shall admit to the gallery no person who does not establish to the satisfaction of the Committee all of the following:

(a) That any member is not engaged in paid publicity or promotion work or in prosecuting any claim before Congress or before any department of the Government, and will not become so engaged while a member of the gallery.

(b) That he or she is not engaged in any lobbying activity and will not become so engaged while a member of the gallery.

PRESIDENTIAL AND DIPLOMATIC GALLERY 85.5

The southern gallery over the main entrance to the Senate Chamber, except the first three rows on the eastern side of the aisle, shall be set apart for the use of the Diplomatic Corps, and no person shall be admitted to it excepting the Secretary of State, foreign ministers, their families and suites, and Senators.

The cards of admission to said gallery shall be issued by the Secretary of State, or the chairman of the Committee on Rules and Administration, to such persons as are entitled to its privileges.

The first row on the eastern side of this gallery shall be set apart for the use of the President; the second row on the eastern side of this gallery shall be set apart for the use of the Vice President; and the third row on the eastern side of this gallery shall be set apart for the use of the President pro tempore of the Senate.

85.6 SENATE GALLERY

The first two rows of the gallery over the east entrance to the Senate shall be set apart for the exclusive use of the wives and other members of the immediate families of Senators.

The remainder of the gallery shall be set apart for the exclusive use of the families of Senators and guests visiting their families who shall be designated by some member of the Senator's family, and for the families of ex-Presidents of the United States, as well as families of incumbent Secretary and Sergeant at Arms of the Senate.

Employees of the Senate, except those on duty at the gallery door, shall be excluded.

85.7 VISITORS' GALLERIES

The visitors' galleries shall be governed by the following rule:

The galleries over the western entrance to the Senate Chamber and over the southeastern, northwestern, and northeastern corners of said Chamber shall be set apart for the use of persons holding a card issued by a Senator. The period to which such card of admission shall be limited rests entirely in the discretion of the Senator issuing it, except that such cards shall expire at the end of each session and cards of a different color shall be furnished by the Sergeant at Arms for the following session. The Sergeant at Arms shall in his discretion limit occupancy of the visitors' galleries to such periods as may be required to accommodate with reasonable expediency all card bearers who are seeking admission.

85.8 SPECIAL GALLERY

The gallery adjoining and west of the Diplomatic Gallery shall be reserved for guided tours and other special parties.

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RULE VII

MARBLE ROOM

The anteroom known as the Marble Room is a part of the floor of the Senate.

RULE VIII 87

CLOAKROOMS

No persons shall be admitted to the cloakrooms adjoining the Senate Chamber excepting those entitled to the privileges of the Senate floor under Standing Rule XXIII.

RULE IX 88

HEATING AND VENTILATING DEPARTMENT

No person shall be admitted to the heating and ventilating department of the Senate wing of the Capitol, except upon a pass from the Sergeant at Arms, or unless accompanied by an officer of the Senate.

RULE X 89

BARBER SHOP AND BATHROOMS

The barber shop, and bathrooms connected therewith, shall be reserved exclusively for the use of Senators. The bathroom in the heating and ventilating department of the Senate wing shall be for the use of employees of the Senate; and no other persons shall be entitled to its privileges.

RULE XI 90

SENATE RESTAURANTS

The management of the Senate Restaurants and all matters connected therewith are under the jurisdiction, control, and direction of the Committee on Rules and Administration.[1]

NOTE.—Pursuant to Public Law 87–82 (75 Stat. 199, July 6, 1961) the management of the Senate Restaurants was transferred to the Architect of the Capitol, subject to approval by the Committee on Rules and Administration as to matters of general policy. *See* Senate Manual Section **518**.

RULE XII 91

CORRIDORS, ETC.

The corridors and passageways of the Senate wing of the Capitol shall be kept open and free from obstructions and free from any person or persons loitering or loafing in or around such places without any visible or lawful business and not giving a good account of themselves; and no stands, booths, or counters for the exhibition or sale of any article shall be placed therein.

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[1] Rule XXV (n)(1) 12 of the Standing Rules of the Senate.

92 RULE XIII

PEDDLING, BEGGING, ETC.

Peddling, begging, and the solicitation of book or other subscriptions are strictly forbidden in the Senate wing of the Capitol, and no portion of said wing shall be occupied by signs or other devices for advertising any article whatsoever excepting timetables in the Post Office and such signs as may be necessary to designate the entrances to the Senate Restaurant.

95 RULE XIV

SWEEPING, CLEANING

All sweeping, cleaning, and dusting of the Senate wing of the Capitol shall be done, as far as practicable, immediately after the adjournment of each day's session of the Senate, and must, in any event, be completed before 8 o'clock a.m.

96 RULE XV

LEGISLATIVE BUZZERS AND SIGNAL LIGHTS

Effective May 15, 1981, the system of legislative buzzers and signal lights shall be as follows:

Pre-session signals:	One long ring at hour of convening. One red light to remain lighted at all times while Senate is in actual session.
Session signals:	One ring—Yeas and nays. Two rings—quorum call. Three rings—Call of absentees. Four rings—Adjournment or recess. (End of daily session.)

Five rings—Seven and a half minutes remaining on yea and nay vote.

Six rings—Morning business concluded. (Six rings with corresponding lights. Lights cut off immediately.)

Recess during daily session. (Six rings with corresponding lights. Lights stay on during period of recess.)

Effective July 13, 1967, the legislative call system shall be used for alerting Members of Congress, Congressional employees, and visitors of enemy attack or other major disaster conditions. There will be two signals:

1. *Attack warning.*—Notification to all occupants that the United States is under attack and that there is real danger of loss of life. This warning would be given by a sequence of two-second sounds of the legislative bells separated by two-second silent intervals. This signal would be repeated for 3 to 5 minutes.

2. *Attention signal.*—Notification of peacetime disasters, such as accidental presence of radioactive materials or severe weather or natural disaster conditions. This signal would be given by a series of 16-second bell sounds separately by 16-second silent intervals, repeated for 3 to 5 minutes.

(Where lights exist they will correspond with rings.)

RULE XVI 97

SENATE OFFICE BUILDING [1] AND OTHER SENATE BUILDINGS

All provisions of the foregoing rules so far as practicable are made applicable to the Senate Office Buildings,[1] the buildings used for the storage of Senate documents, and the Senate garage.

RULE XVII 98

USE OF DISPLAY MATERIALS IN THE SENATE CHAMBER [2]

Graphic [2] displays in the Senate Chamber are limited to the following:

Charts, photographs, or renderings:

Size—No larger than 24 inches high by 30 inches wide.

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[1] See Senate Manual sections 79.8, 79.9.

[2] Effective July 25, 1986.

Where—On an easel stand at the rear of Chamber.

When—Only at the time the Senator is engaged in debate.

Number—No more than two may be displayed at a time.

RULES OF PROCEDURE AND PRACTICE IN THE SENATE WHEN SITTING ON IMPEACHMENT TRIALS

[Revised pursuant to S. Res. 479, 99-2, Aug. 16, 1986]

I. Whensoever the Senate shall receive notice from the House of Representatives that managers are appointed on their part to conduct an impeachment against any person and are directed to carry articles of impeachment to the Senate, the Secretary of the Senate shall immediately inform the House of Representatives that the Senate is ready to receive the managers for the purpose of exhibiting such articles of impeachment, agreeably to such notice. 100

II. When the managers of an impeachment shall be introduced at the bar of the Senate and shall signify that they are ready to exhibit articles of impeachment against any person, the Presiding Officer of the Senate shall direct the Sergeant at Arms to make proclamation, who shall, after making proclamation, repeat the following words, viz: "All persons are commanded to keep silence, on pain of imprisonment, while the House of Representatives is exhibiting to the Senate of the United States articles of impeachment against —— ——"; after which the articles shall be exhibited, and then the Presiding Officer of the Senate shall inform the managers that the Senate will take proper order on the subject of the impeachment, of which due notice shall be given to the House of Representatives. 101

III. Upon such articles being presented to the Senate, the Senate shall, at 1 o'clock afternoon of the day (Sunday excepted) following such presentation, or sooner if ordered by the Senate, proceed to the consideration of such articles and shall continue in session from day to day (Sundays excepted) after the trial shall commence (unless otherwise ordered by the Senate) until final judgment 102 shall be rendered, and so much longer as may, in its judgment, be needful. Before proceeding to the consideration of the articles of impeachment, the Presiding Officer shall administer the oath hereinafter provided to the members of the Senate then present and to the other members of the Senate as they shall appear, whose duty it shall be to take the same.

103 IV. When the President of the United States or the Vice President of the United States, upon whom the powers and duties of the Office of President shall have devolved, shall be impeached, the Chief Justice of the United States shall preside; and in a case requiring the said Chief Justice to preside notice shall be given to him by the Presiding Officer of the Senate of the time and place fixed for the consideration of the articles of impeachment, as aforesaid, with a request to attend; and the said Chief Justice shall be administered the oath by the Presiding Officer of the Senate and shall preside over the Senate during the consideration of said articles and upon the trial of the person impeached therein.

104 V. The Presiding Officer shall have power to make and issue, by himself or by the Secretary of the Senate, all orders, mandates, writs, and precepts authorized by these rules or by the Senate, and to make and enforce such other regulations and orders in the premises as the Senate may authorize or provide.

105 VI. The Senate shall have power to compel the attendance of witnesses, to enforce obedience to its orders, mandates, writs, precepts, and judgments, to preserve order, and to punish in a summary way contempts of, and disobedience to, its authority, orders, mandates, writs, precepts, or judgments, and to make all lawful orders, rules, and regulations which it may deem essential or conducive to the ends of justice. And the Sergeant at Arms, under the direction of the Senate, may employ such aid and assistance as may be necessary to enforce, execute, and carry into effect the lawful orders, mandates, writs, and precepts of the Senate.

106 VII. The Presiding Officer of the Senate shall direct all necessary preparations in the Senate Chamber, and the Presiding Officer on the trial shall direct all the forms of proceedings while the Senate is sitting for the purpose of trying an impeachment, and all forms during the trial not otherwise specially provided for. And the Presiding Officer

on the trial may rule on all questions of evidence including, but not limited to, questions of relevancy, materiality, and redundancy of evidence and incidental questions, which ruling shall stand as the judgment of the Senate, unless some Member of the Senate shall ask that a formal vote be taken thereon, in which case it shall be submitted to the Senate for decision without debate; or he may at his option, in the first instance, submit any such question to a vote of the Members of the Senate. Upon all such questions the vote shall be taken in accordance with the Standing Rules of the Senate.

VIII. Upon the presentation of articles of impeachment 107 and the organization of the Senate as hereinbefore provided, a writ of summons shall issue to the person impeached, reciting said articles, and notifying him to appear before the Senate upon a day and at a place to be fixed by the Senate and named in such writ, and file his answer to said articles of impeachment, and to stand to and abide the orders and judgments of the Senate thereon; which writ shall be served by such officer or person as shall be named in the precept thereof, such number of days prior to the day fixed for such appearance as shall be named in such precept, either by the delivery of an attested copy thereof to the person impeached, or if that can not conveniently be done, by leaving such copy at the last known place of abode of such person, or at his usual place of business in some conspicuous place therein; or if such service shall be, in the judgment of the Senate, impracticable, notice to the person impeached to appear shall be given in such other manner, by publication or otherwise, as shall be deemed just; and if the writ aforesaid shall fail of service in the manner aforesaid, the proceedings shall not thereby abate, but further service may be made in such manner as the Senate shall direct. If the person impeached, after service, shall fail to appear, either in person or by attorney, on the day so fixed therefor as aforesaid, or, appearing, shall fail to file his answer to such articles of impeachment, the trial shall proceed, nevertheless, as upon a plea of not guilty. If a plea of guilty shall be entered, judgment may be entered thereon without further proceedings.

108 IX. At 12:30 o'clock afternoon of the day appointed for the return of the summons against the person impeached, the legislative and executive business of the Senate shall be suspended, and the Secretary of the Senate shall administer an oath to the returning officer in the form following, viz: "I, ——— ———, do solemnly swear that the return made by me upon the process issued on the —— day of ———, by the Senate of the United States, against ——— ———, is truly made, and that I have performed such service as therein described: So help me God." Which oath shall be entered at large on the records.

109 X. The person impeached shall then be called to appear and answer the articles of impeachment against him. If he appears, or any person for him, the appearance shall be recorded, stating particularly if by himself, or by agent or attorney, naming the person appearing and the capacity in which he appears. If he does not appear, either personally or by agent or attorney, the same shall be recorded.

110 XI. That in the trial of any impeachment the Presiding Officer of the Senate, if the Senate so orders, shall appoint a committee of Senators to receive evidence and take testimony at such times and places as the committee may determine, and for such purpose the committee so appointed and the chairman thereof, to be elected by the committee, shall (unless otherwise ordered by the Senate) exercise all the powers and functions conferred upon the Senate and the Presiding Officer of the Senate, respectively, under the rules of procedure and practice in the Senate when sitting on impeachment trials.

Unless otherwise ordered by the Senate, the rules of procedure and practice in the Senate when sitting on impeachment trials shall govern the procedure and practice of the committee so appointed. The committee so appointed shall report to the Senate in writing a certified copy of the transcript of the proceedings and testimony had and given before such committee, and such report shall be received by the Senate and the evidence so received and the testimony so taken shall be considered to all intents and purposes, subject to the right of the Senate to determine competency, relevancy, and materiality, as having been received and taken before the Senate, but nothing herein shall prevent the Senate from sending for any witness and hearing his testimony in open Senate, or by order of the Senate having the entire trial in open Senate.

XII. At 12:30 o'clock afternoon, or at such other hour as the Senate may order, of the day appointed for the trial of an impeachment, the legislative and executive business of the Senate shall be suspended, and the Secretary shall give notice to the House of Representatives that the Senate is ready to proceed upon the impeachment of ——— ———, in the Senate Chamber. 111

XIII. The hour of the day at which the Senate shall sit upon the trial of an impeachment shall be (unless otherwise ordered) 12 o'clock m.; and when the hour shall arrive, the Presiding Officer upon such trial shall cause proclamation to be made, and the business of the trial shall proceed. The adjournment of the Senate sitting in said trial shall not operate as an adjournment of the Senate; but on such adjournment the Senate shall resume the consideration of its legislative and executive business. 112

XIV. The Secretary of the Senate shall record the proceedings in cases of impeachment as in the case of legislative proceedings, and the same shall be reported in the same manner as the legislative proceedings of the Senate. 113

XV. Counsel for the parties shall be admitted to appear and be heard upon an impeachment. 114

XVI. All motions, objections, requests, or applications whether relating to the procedure of the Senate or relating immediately to the trial (including questions with respect to admission of evidence or other questions arising during the trial) made by the parties or their counsel shall be addressed to the Presiding Officer only, and if he, or any Senator, shall require it, they shall be committed to writing, and read at the Secretary's table. 115

XVII. Witnesses shall be examined by one person on behalf of the party producing them, and then cross-examined by one person on the other side. 116

XVIII. If a Senator is called as a witness, he shall be sworn, and give his testimony standing in his place. 117

XIX. If a Senator wishes a question to be put to a witness, or to a manager, or to counsel of the person impeached, or to offer a motion or order (except a motion to adjourn), it shall be reduced to writing, and put by the Presiding Officer. The parties or their counsel may interpose objections to witnesses answering questions propounded at the request of any Senator and the merits of 118 any such objection may be argued by the parties or their counsel. Ruling on any such objection shall be made as provided in Rule VII. It shall not be in order for any Senator to engage in colloquy.

119 XX. At all times while the Senate is sitting upon the trial of an impeachment the doors of the Senate shall be kept open, unless the Senate shall direct the doors to be closed while deliberating upon its decisions. A motion to close the doors may be acted upon without objection, or, if objection is heard, the motion shall be voted on without debate by the yeas and nays, which shall be entered on the record.

120 XXI. All preliminary or interlocutory questions, and all motions, shall be argued for not exceeding one hour (unless the Senate otherwise orders) on each side.

121 XXII. The case, on each side, shall be opened by one person. The final argument on the merits may be made by two persons on each side (unless otherwise ordered by the Senate upon application for that purpose), and the argument shall be opened and closed on the part of the House of Representatives.

122 XXIII. An article of impeachment shall not be divisible for the purpose of voting thereon at any time during the trial. Once voting has commenced on an article of impeachment, voting shall be continued until voting has been completed on all articles of impeachment unless the Senate adjourns for a period not to exceed one day or adjourns sine die. On the final question whether the impeachment is sustained, the yeas and nays shall be taken on each article of impeachment separately; and if the impeachment shall not, upon any of the articles presented, be sustained by the votes of two-thirds of the Members present, a judgment of acquittal shall be entered; but if the person impeached shall be convicted upon any such article by the votes of two-thirds of the Members present, the Senate shall proceed to the consideration of such other matters as may be determined to be appropriate prior to pronouncing judgment. Upon pronouncing judgement, a certified copy of such judgment shall be deposited in the office of the Secretary of State. A motion to reconsider the vote by which any article of impeachment is sustained or rejected shall not be in order.

Form of putting the question on each article of impeachment. 122.1

The Presiding Officer shall first state the question; thereafter each Senator, as his name is called, shall rise in his place and answer: guilty or not guilty.

XXIV. All the orders and decisions may be acted upon 123 without objection, or, if objection is heard, the orders and decisions shall be voted on without debate by yeas and nays, which shall be entered on the record, subject, however, to the operation of Rule VII, except when the doors shall be closed for deliberation, and in that case no member shall speak more than once on one question, and for not more than ten minutes on an interlocutory question, and for not more than fifteen minutes on the final question, unless by consent of the Senate, to be had without debate; but a motion to adjourn may be decided without the yeas and nays, unless they be demanded by one-fifth of the members present. The fifteen minutes herein allowed shall be for the whole deliberation on the final question, and not on the final question on each article of impeachment.

XXV. Witnesses shall be sworn in the following form, 124 viz: "You, ——— ———, do swear (or affirm, as the case may be) that the evidence you shall give in the case now pending between the United States and ——— ———, shall be the truth, the whole truth, and nothing but the truth: So help you God." Which oath shall be administered by the Secretary, or any other duly authorized person.

Form of a subpena be issued on the application of the managers of the impeachment, or of the party impeached, or of his counsel. 125

To ——— ———, greeting:

You and each of you are hereby commanded to appear before the Senate of the United States, on the —— day of ———, at the Senate Chamber in the city of Washington, then and there to testify your knowledge in the cause which is before the Senate in which the House of Representatives have impeached ——— ———.

Fail not.

Witness ——— ———, and Presiding Officer of the Senate, at the city of Washington, this —— day of ———, in the year of our Lord ————, and of the Independence of the United States the ———.

——— ———,
Presiding Officer of the Senate.

125.1 *Form of direction for the service of said subpena*

The Senate of the United States to ——— ———, greeting:

You are hereby commanded to serve and return the within subpena according to law.

Dated at Washington, this —— day of ———, in the year of our Lord ——, and of the Independence of the United States the ———.

——— ———,
Secretary of the Senate.

125.2 *Form of oath to be administered to the Members of the Senate and the Presiding Officer sitting in the trial of impeachments*

"I solemnly swear (or affirm, as the case may be) that in all things appertaining to the trial of the impeachment of ——— ———, now pending, I will do impartial justice according to the Constitution and laws: So help me God."

125.3 *Form of summons to be issued and served upon the person impeached*

THE UNITED STATES OF AMERICA, *ss:*
The Senate of the United States to ——— ———, greeting:

Whereas the House of Representatives of the United States of America did, on the —— day of ———, exhibit to the Senate articles of impeachment against you, the said ——— ———, in the words following:

[Here insert the articles]

And demand that you, the said ——— ———, should be put to answer the accusations as set forth in said articles, and that such proceedings, examinations, trials, and judgments might be thereupon had as are agreeable to law and justice.

You, the said ——— ———, are therefore hereby summoned to be and appear before the Senate of the United States of America, at their Chamber in the city of Washington, on the —— day of ———, at —— o'clock ——, then and there to answer to the said articles of impeachment, and then and there to abide by, obey, and perform such orders, directions, and judgments as the Senate of the United States shall make in the premises according to the Constitution and laws of the United States.

Hereof you are not to fail.

Witness ——— ———, and Presiding Officer of the said Senate, at the city of Washington, this —— day of ———, in the year of our Lord ———, and of the Independence of the United States the ———.

——— ———,
Presiding Officer of the Senate.

Form of precept to be indorsed on said writ of summons 125.4

THE UNITED STATES OF AMERICA, *ss:*

The Senate of the United States to ——— ———, greeting:

You are hereby commanded to deliver to and leave with ——— ———, if conveniently to be found, or if not, to leave at his usual place of abode, or at his usual place of business in some conspicuous place, a true and attested copy of the within writ of summons, together with a like copy of this precept; and in whichsoever way you perform the service, let it be done at least ——— days before the appearance day mentioned in the said writ of summons.

Fail not, and make return of this writ of summons and precept, with your proceedings thereon indorsed, on or before the appearance day mentioned in the said writ of summons.

Witness ——— ———, and Presiding Officer of the Senate, at the city of Washington, this —— day of ———, in the year of our Lord ———, and of the Independence of the United States the ———.

——— ———,
Presiding Officer of the Senate.

All process shall be served by the Sergeant at Arms of the Senate, unless otherwise ordered by the Senate.

126 XXVI. If the Senate shall at any time fail to sit for the consideration of articles of impeachment on the day or hour fixed therefor, the Senate may, by an order to be adopted without debate, fix a day and hour for resuming such consideration.

[127]

CLEAVES' MANUAL OF THE LAW AND PRACTICE IN REGARD TO CONFERENCES AND CONFERENCE REPORTS [1]

[NOTE.—The figures in parentheses at the end of rules refer to sections of Hinds' Parliamentary Precedents (H.R. Doc. 576, 55–2), where decisions and proceedings may be found. The notes and references inserted are additional to those in the work, and not found therein.]

CONFERENCES

1. Parliamentary law relating to conferences as stated in Jefferson's Manual, Section XLVI: 127

It is on the occasion of amendments between the Houses that conferences are usually asked; but they may be asked in all cases of difference of opinion between the two Houses on matters depending between them. The request of a conference, however, must always be by the House which is possessed of the papers. (3 Hats., 31; 1 Grey, 425.) 127.1

Conferences may either be simple or free. At a conference simply,[2] written reasons are prepared by the House asking it, and they are read and delivered without debate, to the managers of the other House at the conference, but are not then to be answered. (4 Grey, 144.) The other House then, if satisfied, vote the reasons satisfactory, or say nothing; if not satisfied, they resolve them not satisfactory and ask a conference on the subject of the last conference, where they read and deliver, in like manner, written answers to those reasons. (3 Grey, 183.) They are meant chiefly to record the justification of each House to the nation at large and to posterity, and in proof that the miscarriage of a necessary measure is not imputable to 127.2

---

[1] Collated and prepared by Thomas P. Cleaves, Clerk to the Committee on Appropriations, United States Senate, and reported to the Senate by Mr. Allison, First Session, Fifty-seventh Congress, under the following resolution of June 6, 1900:

"*Resolved*, That the Committee on Appropriations cause to be prepared for the use of the Senate a manual of the law and practice in regard to conferences and conference reports."

[2] So in original.

them. (3 Grey, 225.) At free conferences the managers discuss, *vivi voce* and freely, and interchange propositions for such modifications as may be made in a parliamentary way, and may bring the sense of the two Houses together. And each party reports in writing to their respective Houses the substance of what is said on both sides, and it is entered in their journals. (9 Grey, 220; 3 Hats., 280.) This report can not be amended or altered, as that of a committee may be. (Journal Senate, May 24, 1796.)

127.3 A conference may be asked before the House asking if it has come to a resolution of disagreement, insisting or adhering. (3 Hats., 269, 341.) In which case the papers are not left with the other conferees, but are brought back to be the foundation of the vote to be given. And this is the most reasonable and respectful proceeding; for, as was urged by the Lords on a particular occasion, "it is held vain, and below the wisdom of Parliament, to reason or argue against fixed resolutions and upon terms of impossibility to persuade." (3 Hats., 226.) So the Commons say, "an adherence is never delivered at a free conference, which implies debate." (10 Grey, 137.) And on another occasion the Lords made it an objection that the Commons had asked a free conference after they had made resolutions of adhering. It was then affirmed, however, on the part of the Commons, that nothing was more parliamentary than to proceed with free conferences after adhering (3 Hats., 369), and we do in fact see instances of conference, or of free conference, asked after the resolution of disagreeing (3 Hats., 251, 253, 260, 286, 291, 316, 349); of insisting (ib., 280, 296, 299, 319, 322, 355); of adhering (269, 270, 283, 300), and even of a second or final adherence. (3 Hats., 270.) And in all cases of conference asked after a vote of disagreement, etc., the conferees of the House asking it are to leave the papers with the conferees of the other; and in one case where they refused to receive them they were left on the table in the conference chamber. (Ib., 271, 317, 323, 354; 10 Grey, 146.)

127.4 After a free conference the usage is to proceed with free conferences, and not to return again to a conference. (3 Hats., 270; 9 Grey, 229.)

127.5 After a conference denied a free conference may be asked (1 Grey, 45.)

127.6 When a conference is asked the subject of it must be expressed or the conference not agreed to. (Ord. H. Com., 89; 1 Grey, 425; 7 Grey, 31.) They are sometimes asked to inquire concerning an offense or default of a member of the other House. (6 Grey, 181; 1 Chand., 204.) Or the failure of the other House to present to the King a bill passed by both Houses. (8 Grey, 302.) Or on information received and relating to the safety of the nation. (10 Grey, 171.) Or when the methods of Parliament are thought by the one House to have been departed from by the other a conference is asked to come to a right understanding thereon. (10 Grey, 148.) So when an unparliamentary message has been sent, instead of answering it, they ask a conference. (3 Grey, 155.) Formerly an address or articles of impeachment, or a bill with amendments, or a vote of the House, or concurrence in a vote, or a message from the King, were sometimes communicated by way of conference. But this is not the modern practice. (1366.)

[Senate Manual, 1902, p. 137; House Manual, 56th Cong., 2d sess., p. 207.

CHARACTER OF CONFERENCES

2. Conferences may either be simple or free. 128

[Jefferson's Manual, Sec. XLVI.

NOTE.—This rule and the definition and description of the two kinds of conferences are found in the foregoing section. Vice President Hamlin, in ruling upon a question of order in the Senate in the Thirty-eighth Congress, stated the rule and the distinction between free and simple conferences as follows:

"Conferences are of two characters, free and simple. A free conference is that which leaves the committee of conference entirely free to pass upon any subject where the two branches have disagreed in their vote, not, however, including any action upon any subject where there has been a concurrent vote of both branches. A simple conference—perhaps it should more properly be termed a strict or a specific conference, though the parliamentary term is simple—is that which confines the committee of conference to the specific instructions of the body appointing it." (38th Cong., 1st sess., Congressional Globe, pt. I, p. 900.)

Speaker Reed, in his Manual of General Parliamentary Law, chapter XV, section 242, states that "A free conference is one where the conferees meet and present not only the reasons of each House, but such arguments and reasons and persuasions as seem suitable to each member of the committee. Instead of being confined to reasons adopted by either House, each member may present his own. A conference may therefore be a free conference though each House may have instructed its members and limited them to the terms of the agreement. This method of conference is the only one known to our parliamentary law; at least, it is the only one now in practice. When two legislative bodies in this country have a conference, it is a free conference * * *"

REQUEST FOR CONFERENCE

129 3. The request for a conference must always be made by the House in possession of the papers. (1366.)

[Jefferson's Manual, Sec. XLVI.

130 4. The motion to ask for a conference comes properly after the motion to disagree, insist, or adhere. (1367.)

131 5. A conference may be asked before there has been a disagreement. (1366.)

[48th Cong., 1st sess., S. Jour., pp. 628, 642-643; Jefferson's Manual, Sec. XLVI.

132 6. After one House has adhered the other may recede or ask a conference, which may be granted by the other House. (1358-1361.)

[23d Cong., 1st sess., S. Jour., p. 112; S. Jour., vol. 2, pp. 70, 71; S. Jour., vol. 5, pp. 657, 661; Jefferson's Manual, Sec. XLVI.

133 7. The House may agree to a conference without reconsidering its vote to adhere. (1362.)

134 8. Instances have occurred where one House has adhered at once and has even refused a conference. (1363.)

NOTE.—In section XLV, Jefferson's Manual, it is stated that "Either House is free to pass over the term of insisting, and to adhere in the first instance, but it is not respectful to the other. In the ordinary parliamentary course there are two free conferences, at least, before an adherence."

135 9. Where one House has voted at once to adhere, the other may insist and ask a conference; but the motion to recede has precedence. (1364.)

136 10. One House may disagree to the amendment of the other, leaving it for the latter House to ask for the conference as soon as the vote of disagreement is passed. (1368.)

137 11. The amending House may insist at once upon its amendments, and ask for a conference. (1370-1371.)

[48th Cong., 1st sess., S. Jour., pp. 628, 642, 643; Congressional Record, pp. 3974-4098.

138 12. The request of the other House for a conference may be referred to a committee.

[19th Cong., 1st sess., S. Jour., p. 302, 49th Cong. 1st sess., H. Jour., pp. 2292, 2293; Congressional Record, p. 7332.

139 13. Where a conference committee is unable to agree, or where a report is disgreed to, another conference is usually asked for and agreed to. (1384-1388.)

140 14. Before the stage of disagreement has been reached, the request of the other House for a conference gives the bill no privilege over the other business of the House. (1374, 1375.)

15. The conference on a disagreement as to Senate amendments to a House bill having failed, the Senate reconsidered its action in amending and passing the bill, passed it with a new amendment, and asked a new conference. [55th Cong., 3d sess., Congressional Record, pp. 317, 439, 628, 631, 2303, 2360, 2362, 2770. **141**

16. The motion to insist and ask a conference has precedence of the motion to instruct conferees. (1376–1379.) **142**

CONFEREES

APPOINTMENT OF CONFEREES

17. Statement of principles governing the selection of conferees on the part of the House (1383), namely: **143**

NOTE.—These principles and provisions are also applicable to the Senate and in harmony with its practice.

The House members of conference committees, called the managers on the part of the House, are appointed by the Speaker. **143.1**

NOTE.—The Senate members of conference committees, called the managers on the part of the Senate, are appointed by the Presiding Officer, by unanimous consent, under the custom of the Senate. Rule XXIV provides that chairman and other members of committees of the Senate shall be appointed by resolution unless otherwise ordered.

They are usually three in number, but on important measures the number is sometimes increased. In the selection of the managers the two large political parties are usually represented, and, also, care is taken that there shall be a representation of the two opinions which almost always exist on subjects of importance. Of course the majority party and the prevailing opinion have the majority of the managers. * * * **143.2**

It is also almost the invariable practice to select managers from the members of the committee which considered the bill. * * * But sometimes in order to give representation to a strong or prevailing sentiment in the House the Speaker goes outside the ranks of the committee. * * * **143.3**

The managers of the two Houses while in conference vote separately, the majority determining the attitude to be taken toward the propositions of the other House. When the report is made the signatures of a majority of each board of managers are sufficient. The minority managers frequently refrain from signing the report, and it is **143.4** not unprecedented for a minority manager to indorse his protest on the report.

144 18. When conferees have disagreed or a conference report has been rejected, the usual practice is to reappoint the managers, although it seems to have been otherwise in former years. (1383.)

145 19. Conferees having been appointed, it is too late to reconsider the vote whereby the House has disagreed to a Senate amendment. (1205.)

DISCHARGE OF CONFEREES

146 20. While a conference asked by the House was in progress on the House's disagreement to Senate amendments, by a special order the House discharged its conferees, receded from its disagreement, and agreed to the amendments. (1373.)

NOTE.—Similar action was taken by the Senate under like circumstances in the Forty-second Congress (42d Cong. 2d sess., S. Jour., p. 1028).

INSTRUCTIONS TO CONFEREES

147 21. It is in order to instruct conferees, and the resolution of instruction should be offered after the House has voted to insist and ask a conference and before the conferees have been appointed. (1376–1379.)

[38th Cong., 2d sess., S. Jour., p. 268; 39th Cong., 1st sess., S. Jour., p. 782, 784; 40th Cong., 2d sess., S. Jour., p. 119.

148 22. It is not the practice to instruct conferees before they have met and disagreed. (1380.)

149 23. It is not in order to give such instructions to conferees as would require changes in the text to which both Houses have agreed. (1380.)

150 24. The House having asked for a free conference, it is not in order to instruct the conferees. (1381.)

151 25. The motion to instruct conferees is amendable. (1390.)

[40th Cong., 2d sess., S. Jour., p. 119.

152 26. A conference report may be received although it may be in violation of instructions given to the conferees. (1382.)

CONFERENCE COMMITTEES AND REPORTS

AUTHORITY OF CONFERENCE COMMITTEES

27. A conference committee is practically two distinct committees, each of which acts by a majority. (1401.) 153

28. Conference reports must be signed by a majority of the managers on the part of each House. They are made in duplicate for the managers to present to their respective Houses, the signatures of the managers of each House appearing first on the report that is to be presented to the House they represent. 154

NOTE.—See form of conference report appended.

29. Conferees may not include in their report matters not committed to them by either House. (1414–1417.) 155

[50th Cong., 1st sess., S. Jour., pp. 1064, 1065; 54th Cong., 2d sess., S. Jour., pp. 90, 91, 96.

In the House, in case such matter is included, the conference report may be ruled out on a point of order. (See Rule 50, below.) 155.1

In the Senate, in case such matter is included, the custom is to submit the question of order to the Senate. 155.2

NOTE.—In the Fifty-fifth Congress, first session, Vice-President Hobart, in overruling a point of order made on this ground against a conference report during its reading in the Senate, stated that the report having been adopted by one House and being now submitted for discussion and decision in the form of concurrence or disagreement, it is not in the province of the Chair during the progress of its presentation to decide that matter has been inserted which is new or not relevant, but that such questions should go before the Senate when it comes to vote on the adoption or rejection of the report. (55th Cong., 1st sess., S. Jour., pp. 171, 172; Congressional Record, pp. 2780–2787.) See also Congressional Record, p. 2827, 56th Cong., 2d sess., when the Presiding Officer (Mr. Lodge in the Chair) referred with approval to the foregoing decision of Vice-President Hobart, and stated that when a point of order is made on a conference report on the ground that new matter has been inserted, the Chair should submit the question to the Senate instead of deciding it himself, as has been the custom in the House. No formal ruling was made in this case, however, as the conference report, after debate, was, by unanimous consent, rejected. (56th Cong., 2d sess., Congressional Record, pp. 2826–2883.)

30. Conferees may not strike out in conference anything in a bill agreed to and passed by both Houses. (1321.) 156

[Jefferson's Manual, Sec. XLV.

31. Conferees may include in their report matters which are germane modifications of subjects in disagreement between the Houses and committed to the conference. (1418–1419.) 157

158 32. A disagreement to an amendment in the nature of a substitute having been referred to conferees, it was held to be in order for them to report a new bill on the same subject. (1420.)

159 33. A conference committee may report agreement as to some of the matters of difference, but inability to agree as to others. (1392.) [29th Cong., 1st sess., S. Jour., pp. 523-524.

160 34. In drafting a conference report care should be taken in stating the action of the conferees on amendments to observe the parliamentary rule that neither House can recede from or insist on its own amendment with an amendment; and in case pages and lines of the bill or amendments are referred to in the report, the engrossed bill and amendments only should be used.

PRESENTATION AND PRIVILEGE OF CONFERENCE REPORTS

161 35. A conference report is made first to the House agreeing to the conference.

NOTE.—This rule seems to follow from the principle laid down by Jefferson (Manual, Sec. XLVI), that "in all cases of conference asked after a vote of disagreement, etc., the conferees of the House asking it are to leave the papers with the conferees of the other," thus putting the agreeing House in possession of the papers, and has been the usual practice in Congress.

162 36. Conference reports are in order in the Senate under Rule XXVIII, as follows:

The presentation of reports of committees of conference shall always be in order, except when the Journal is being read or a question of order or motion to adjourn is pending, or while the Senate is dividing; and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

NOTE.—It has been held in the Senate that the presentation of a conference report includes its reading, unless by unanimous consent the reading is dispensed with (54th Cong., 1st sess., S. Jour., p. 334; Congressional Record, p. 5511).

163 37. Conference reports are in order in the House under Rule XXVIII, as follows:

The presentation of reports of committees of conference shall always be in order except when the journal is being read, while the roll is being called, or the House is dividing on any proposition. And there shall accompany any

such report a detailed statement sufficiently explicit to inform the House what effect such amendments or propositions shall have upon the measures to which they relate.

NOTE.—Paragraph 4 of rule XXVIII of the Standing Rules of the Senate requires a conference report to be accompanied by an explanatory statement prepared jointly by the conferees on the part of the House and the Senate. (See Senate Manual section No. **28.4.**)

38. A conference report may not be received by the House if no statement accompanies it. (1404-1405.) **164**

39 Whether or not the detailed statement accompanying a conference report is sufficient to comply with the rule (XXVIII) is a question for the House, and not for the Speaker, to determine. (1402-1403.) **165**

40. A conference report may be presented after a motion to adjourn has been made or when a Member is occupying the floor for debate, but the report need not be disposed of before the motion to adjourn is put. (1393-1395.) **166**

41. A conference report is in order pending a demand for the previous question. [55th Cong., 3d sess., Congressional Record, p 867 **167**

NOTE.—In the Senate the previous question is not in use.

42. A conference report has been given precedence over a question of privilege. (1397.) **168**

43. A conference report may be presented during the time set apart for a special order for the consideration of another measure. (1400.) **169**

44. A conference report may be presented after a vote by tellers and pending the question on ordering the yeas and nays. (1399.) **170**

45. A conference report has precedence of the question on the reference of a bill, even though the yeas and nays have been ordered. (1398.) **171**

46. The consideration of a conference report may be interrupted by the arrival of the hour previously fixed for a recess. (1396.) **172**

47. The question on the adoption of a final conference report has precedence of a motion to recede and concur in amendments of the other House. **173**

[55th Cong., 3d sess., Congressional Record, p 2927.

REJECTION OF CONFERENCE REPORTS, EFFECTS OF, ETC.

48. A bill and amendments having been once sent to conference, do not, upon the rejection of the conference **174**

report, return to their former state so that the amendments may be sent to the Committee of the Whole. (1389.)

175 49. The rejection of a conference report leaves the matter in the position it occupied before the conference was asked. (1390.)

176 50. When a conference report is ruled out on a point of order in the House it is equivalent to a negative vote on the report, and the Senate is informed by message that the House has "disagreed" to the report. (1417.)

AMENDMENT OF CONFERENCE REPORTS

177 51. It is not in order to amend a conference report, and it must be accepted or rejected as an entirety. (1366.)

[Jefferson's Manual, Sec. XLVI; 4th Cong., 1st sess., S. Jour., p. 270.

NOTE.—Various instances are found where conference reports agreed to by both Houses were amended and corrected by concurrent resolution or order. (43d Cong., 2d sess., S. Jour., pp. 372, 373, H. Jour., p. 610; Congressional Record, p. 1990; 44th Cong., 1st sess., S. Jour., pp. 581, 708, H. Jour., pp. 1087, 1252; 48th Cong., 1st sess., S. Jour., p. 859.)

REFERENCE AND RECOMMITMENT OF CONFERENCE REPORTS

178 52. A conference report may not be referred to a standing committee. (1413.)

179 53. A conference report may not be referred to the Committee of the Whole, although in the earlier history of the House this was sometimes done. (1410, 1411.)

180 54. It is not in order in the House to recommit a conference report to the committee of conference. (1412.)

NOTE.—This rule is founded upon the decision of Speaker Carlisle (49th Cong., 2d sess., Congressional Record, p. 880), which has been affirmed by subsequent Speakers, but prior to that time many instances had occurred of recommitting conference reports to the committee of conference.

181 55. It is in order in the Senate to recommit a conference report to the committee of conference, but not with instructions, according to the later decisions.

[42d Cong., 3d sess., S. Jour., pp. 313, 554-557; 43d Cong., 1st sess., S. Jour., p. 865; 44th Cong., 1st sess., S. Jour., p. 211; 49th Cong., 2d sess., S. Jour., p. 151; 55th Cong., 3d sess., Congressional Record, pp. 2823, 2842-3.

NOTE.—Inasmuch as concurrent action is necessary for the recommittal of a conference report, the foregoing rule of the House has necessitated a change in the practice, and no effort has been made by the Senate in late years to recommit a conference report. The purpose of a recommittal can be attained, however, by a rejection of the report, when another conference would be ordered, and in accordance with usage the same conferees would be appointed.

TABLING OF CONFERENCE REPORTS

56. The House has formally discarded the old practice of allowing conference reports to be laid on the table. (1407-1409.) 182

NOTE.—The effect of the motion to lay on the table in the House defeats the proposition. It is never taken up again. Hence a conference report can not be laid on the table; otherwise a conference report might be put beyond the reach of either House. (Reed's Parliamentary Rules, Chap. VIII, sec. 115.)

57. The Senate practice allows conference reports to be laid on the table. 183

[43d Cong., 2d sess., S. Jour., p. 433; Congressional Record, pp. 2205-2206.

NOTE.—The effect of the motion to lay on the table in the Senate, unlike that in the House, is simply to suspend the consideration of a question during the pleasure of the Senate, which can be again taken up on motion.

58. A motion to reconsider the vote on agreeing to a conference report may be laid on the table in the Senate without carrying the report. 184

[44th Cong., 1st sess., S. Jour., p. 234; Congressional Record, p. 1253, 1254; Senate Manual (1901), Rule XIII, clause 1, p. 13.

WITHDRAWAL OF CONFERENCE REPORTS

59. A conference report may be withdrawn in the Senate on leave, and in the House by unanimous consent. 185

NOTE.—In the 32d Congress, a conference report having been agreed to in the Senate, the vote was reconsidered, the bill returned from the House on request of the Senate, and the committee of conference had leave to withdraw its report. (32d Cong., 2d sess., S. Jour., p. 420.)

FORM OF CONFERENCE REPORT

186

—— Congress, —— Session. H.R. [or S., as may be] No. ——

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate [or House, as may be] to the Bill [or Resolution, as may be] (H.R. [or S., as may be] ——), [title here] having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate [or House, as may be] recede from its amendments numbered * * *.

That the House [or Senate, as may be] recede from its disagreements to the amendments of the Senate [or House, as may be] numbered * * * and agree to the same.

Amendment numbered ———:

That the House [or Senate, as may be] recede from its disagreement to the amendment of the Senate [or House, as may be] numbered ———, and agree to the same with an amendment, as follows: * * *; and the Senate [or House, as may be] agree to the same.

Amendment numbered ———:

That the Senate [or House, as may be] recede from its disagreement to the amendment of the House [or Senate, as may be] to the amendment of the Senate [or House, as may be] numbered ———, and agree to the same.

Amendment numbered ———:

That the Senate [or House, as may be] recede from its disagreement to the amendment of the House [or Senate, as may be] to the amendment of the Senate [or House, as may be] numbered ———, and agree to the same, with an amendment, as follows: * * *; and the House [or Senate, as may be] agree to the same.

Amendments numbered ———:

On the amendments of the Senate [or House, as may be] numbered ———, the committee of conference have been unable to agree.

(Signatures here)	(Signatures here)
———— ————,	———— ————,
———— ————,	———— ————,
———— ————,	———— ————,
Managers on the part of the ———.	*Managers on the part of the* ———.

Joint Explanatory Statement of the Committee of Conference [1] 187

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment/amendments of the House/Senate to the bill/joint resolution (   ) submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

* * * * * * *

(Signatures here)	(Signatures here)
——— ———,	——— ———,
——— ———,	——— ———,
——— ———,	——— ———,
Managers on the part of the ——.	*Managers on the part of the* ——.

---

[1] This statement form replaces that formerly carried in Cleaves' Manual. Rule XXVIII of the Standing Rules of the Senate and Rule XXVIII of the Rules of the House of Representatives provide that "an explanatory statement prepared jointly by the conferees on the part of the House and the conferees on the part of the Senate" shall accompany each conference report.

[188]

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[Data collected through 100th Congress]

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Chapter 2.—ACTS AND RESOLUTIONS; FORMALITIES OF ENACTMENT; REPEALS; SEALING OF INSTRUMENTS

§ 112. Statutes at large; contents; admissibility in evidence.

The Archivist of the United States shall cause to be compiled, edited, indexed, and published, the United States Statutes at Large, which shall contain all the laws and concurrent resolutions enacted during each regular session of Congress; all proclamations by the President in the numbered series issued since the date of the adjournment of the regular session of Congress next preceding; and also any amendments to the Constitution of the United States proposed or ratified pursuant to article V thereof since that date, together with the certificate of the Archivist of the United States issued in compliance with the provision contained in section 106b of this title. In the event of an extra session of Congress, the Archivist of the United States shall cause all the laws and concurrent resolutions enacted during said extra session to be consolidated with, and published as part of, the contents of the volume for the next regular session. The United States Statutes at Large shall be legal evidence of laws, concurrent resolutions, treaties, international agreements other than treaties, proclamations by the President, and proposed or ratified amendments to the Constitution of the United States therein contained, in all the courts of the United States, the several States, and the Territories and insular possessions of the United States. (July 30, 1947, c. 388, 61 Stat. 636; Sept. 23, 1950, c. 1001, § 1, 64 Stat. 979; Oct. 31, 1951, c. 655, § 3, 65 Stat. 710; Oct. 19, 1984, Pub.L. 98–497, Title I. § 107(d), 98 Stat. 2291.) 201

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[1] Since some provisions of the most recently enacted statutes may receive slightly different editorial treatment in the codification process, and since a few stylistic changes have been made in this Manual to achieve more convenient adaptation to Senate needs, some pro forma deviations from the exact format of the United States Code may be noted.

201.5 § 112b. United States international agreements; transmission to Congress.

(a) The Secretary of State shall transmit to the Congress the text of any international agreement (including the text of any oral international agreement, which agreement shall be reduced to writing), other than a treaty, to which the United States is a party as soon as practicable after such agreement has entered into force with respect to the United States but in no event later than sixty days thereafter. However, any such agreement the immediate public disclosure of which would, in the opinion of the President, be prejudicial to the national security of the United States shall not be so transmitted to the Congress but shall be transmitted to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives under an appropriate injunction of secrecy to be removed only upon due notice from the President. Any department or agency of the United States Government which enters into any international agreement on behalf of the United States shall transmit to the Department of State the text of such agreement not later than twenty days after such agreement has been signed.

(b) Not later than March 1, 1979, and at yearly intervals thereafter, the President shall, under his own signature, transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report with respect to each international agreement which, during the preceding year, was transmitted to the Congress after the expiration of the 60-day period referred to in the first sentence of subsection (a), describing fully and completely the reasons for the late transmittal.

(c) Notwithstanding any other provision of law, an international agreement may not be signed or otherwise concluded on behalf of the United States without prior consultation with the Secretary of State. Such consultation may encompass a class of agreements rather than a particular agreement.

(d) The Secretary of State shall determine for and within the executive branch whether an arrangement constitutes an international agreement within the meaning of this section.

(e) The President shall, through the Secretary of State, promulgate such rules and regulations as may be necessary to carry out this section.

(Aug. 25, 1972, Pub. L. 92–403, § 1, 86 Stat. 619; June 15, 1977, Pub. L. 95–45, § 5, 91 Stat. 224; Oct. 7, 1978, Pub. L. 95–426, § 708, 92 Stat. 993.)

NOTE

Section 139 of Public Law 100–204, approved December 22, 1987 (101 Stat. 1347), provided that:

"SEC. 139. ENFORCEMENT OF CASE-ZABLOCKI ACT REQUIREMENTS.

"(a) RESTRICTION ON USE OF FUNDS.—If any international agreement, whose text is required to be transmitted to the Congress pursuant to the first sentence of subsection (a) of section 112b of title 1, United States Code (commonly referred to as the 'Case-Zablocki Act'), is not so transmitted within the 60-day period specified in that sentence, then no funds authorized to be appropriated by this or any other Act shall be available after the end of that 60-day period to implement that agreement until the text of that agreement has been so transmitted.

"(b) EFFECTIVE DATE.—Subsection (a) shall take effect 60 days after the date of enactment of this Act and shall apply during fiscal years 1988 and 1989."

Chapter 3.—CODE OF LAWS OF UNITED STATES AND SUPPLEMENTS; DISTRICT OF COLUMBIA CODE AND SUPPLEMENTS

§ 211. Copies [of Code of Laws] to Members of Congress. 202

In addition to quotas provided for by section 210 of this title there shall be printed, published, and distributed of the Code of Laws relating to the District of Columbia with tables, index and other ancillaries, suitably bound and with thumb inserts and other convenient devices to distinguish the parts, and of the supplements to both codes as provided for by sections 202, 203 of this title, ten copies of each for each Member of the Senate * * * for his use and distribution, and in addition for the * * * Committee on the Judiciary of the Senate a number of bound copies of each equal to ten times the number of members of such committee[s], and one bound copy of each for the use of each committee of the Senate * * * (July 30, 1947, ch. 388, 61 Stat. 640.)

§ 212. Additional distribution at each new Congress. 203

In addition the Superintendent of Documents shall, at the beginning of the first session of each Congress, supply to each Senator * * * in such Congress, who may in writing apply for the same, one copy each of the Code of Laws of the United States, the Code of Laws relating to the District of Columbia, and the latest supplement to each code: *Provided,* That such applicant shall certify in his written application for the same that the volume or volumes for which he applies is intended for his personal use exclusively: *And provided further,* That no Senator * * * during his term of service shall receive under this section more than one copy each of the volumes enumerated herein. (July 30, 1947, ch. 388, 61 Stat. 640.)

TITLE 2.—THE CONGRESS

Chapter 1.—ELECTION OF SENATORS AND REPRESENTATIVES

205 § 1. Time for election of Senators.

At the regular election held in any State next preceding the expiration of the term for which any Senator was elected to represent such State in Congress, at which election a Representative to Congress is regularly by law to be chosen, a United States Senator from said State shall be elected by the people thereof for the term commencing on the 3d day of January next thereafter. (June 4, 1914, ch. 103, § 1, 38 Stat. 384; June 5, 1934, ch. 390, § 3, 48 Stat. 879.)

205.1 CONSTITUTIONAL PROVISIONS

The first section of Amendment XX to the Constitution provides in part: "* * * the terms of Senators and Representatives [shall end] at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin."

CROSS REFERENCES

Time for election of Senators, see Const. Art. I, § 4, cl. 1 (Senate Manual section **761.14**).

Vacancies in the Senate, see Const. Amend. XVII (Senate Manual section **787**).

206 § 1a. Election to be certified by governor.

It shall be the duty of the executive of the State from which any Senator has been chosen to certify his election, under the seal of the State, to the President of the Senate of the United States. (R.S. § 18.)

207 § 1b. Same; countersignature by secretary of state.

The certificate mentioned in section 1a of this title shall be countersigned by the secretary of state of the State. (R.S. § 19.)

Chapter 2.—ORGANIZATION OF CONGRESS

210 § 21. Oath of Senators.

The oath of office shall be administered by the President of the Senate to each Senator who shall be elected, previous to his taking his seat. (R.S. § 28.)

211 § 22. Oath of President of Senate.

When a President of the Senate has not taken the oath of office, it shall be administered to him by any Member of the Senate. (R.S. § 29.)

212 § 23. Presiding officer of Senate may administer oaths.

The presiding officer, for the time being, of the Senate of the United States, shall have power to administer all oaths and affirmations that are or may be required by the Constitution, or by law, to be taken by any Senator, officer of the Senate, witness, or other person, in respect to any matter within the jurisdiction of the Senate. (Apr. 18, 1876, ch. 66, §1, 19 Stat. 34.)

§24. Secretary of Senate or Assistant Secretary may administer oaths. 213

The Secretary of the Senate, and the Assistant Secretary thereof, shall, respectively, have power to administer any oath or affirmation required by law, or by the rules or orders of the Senate, to be taken by any officer of the Senate, and to any witness produced before it. (Apr. 18, 1876, ch. 66, §2, 19 Stat. 34; amended, Pub. L. 92-51, §101, July 9, 1971, 85 Stat. 126.)

§27. Change of place of meeting. 214

Whenever Congress is about to convene, and from the prevalence of contagious sickness, or the existence of other circumstances, it would, in the opinion of the President, be hazardous to the lives or health of the Members to meet at the seat of Government, the President, is authorized, by proclamation, to convene Congress at such other place as he may judge proper. (R.S. §34.)

§30. Term of service of Members of Congress as trustees or directors of corporations or institutions appropriated for. 215

In all cases where Members of Congress or Senators are appointed to represent Congress on any board of trustees or board of directors of any corporation or institution to which Congress makes any appropriation, the term of said Members or Senators, as such trustee or director, shall continue until the expiration of two months after the first meeting of the Congress chosen next after their appointment. (Mar. 3, 1893, ch. 199, § 1, 27 Stat. 553.)

Chapter 3.—COMPENSATION OF MEMBERS

§31. Compensation of Members of Congress. 220

(1) The annual rate of pay for—

(A) each Senator, Member of the House of Representatives, and Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico,

(B) the President pro tempore of the Senate, the Majority Leader and the Minority Leader of the Senate, and the Majority Leader and the Minority Leader of the House of Representatives, and

(C) the Speaker of the House of Representatives,

shall be the rate determined for such positions under sections 351 to 361 of this title, as adjusted by paragraph (2) of this section.

(2) Effective at the beginning of the first applicable pay period commencing on or after the first day of the month in which an adjustment takes effect under section 5305 of Title 5 in the rates of pay under the General Schedule, each annual rate referred to in paragraph (1) shall be adjusted by an amount, rounded to the nearest multiple of $100 (or if midway between multiples of $100, to the next higher multiple of $100), equal to the percentage of such annual rate which corresponds to the overall average percentage (as set forth in the report transmitted to the Congress under section 5305 of Title 5) of the adjustment in the rates of pay under the General Schedule. (Mar. 4, 1925, c. 549, §4, 43 Stat. 1301;

May 17, 1932, c. 190, 47 Stat. 158; Aug. 2, 1946, c. 753, Title VI, § 601(a), 60 Stat. 860; Jan. 19, 1949, c. 2, § 1(d), 63 Stat. 4; Mar. 2, 1955, c. 9, § 4(a), 69 Stat. 11; Aug. 14, 1964, Pub. L. 88-426, Title II, § 204, 78 Stat. 415; Oct. 29, 1965, Pub. L. 89-301, § 11(e), 79 Stat. 1120; Dec. 16, 1967, Pub. L. 90-206, Title II, § 225(h), 81 Stat. 644; Sept. 15, 1969, Pub. L. 91-67, § 2, 83 Stat. 107; Aug. 9, 1975, Pub. L. 94-82, Title II, § 204(a), 89 Stat. 421.)

220.1 **§ 31-1. Maximum amount of honoraria which may be accepted by Members of Congress**

(a) Definitions

For the purposes of this section—

(1) "charitable organization" means an organization described in section 170(c) of Title 26;

(2) "honorarium" means a payment of money or anything of value to a Member for an appearance, speech, or article, by the Member; but there shall not be taken into account for the purposes of this section any actual and necessary travel expenses, incurred by the Member, and spouse or an aide to the extent that such expenses are paid or reimbursed by any other person, and the amount otherwise determined shall be reduced by the amount of any such expenses to the extent that such expenses are not paid or reimbursed;

(3) "Member" means a United States Senator, a Member of the House of Representatives, a Delegate to the House of Representatives or the Resident Commissioner from Puerto Rico; and

(4) "travel expenses" means with respect to a Member, and spouse or an aide, the cost of transportation, and the cost of lodging and meals while away from his or her residence or the metropolitan area of Washington, District of Columbia.

(b) Maximum as percentage of aggregate salary

(1) Notwithstanding any other provision of law, except as provided in paragraph (2), on and after January 1, 1986, a Member shall not accept honoraria which are attributable to any calendar year and total more than the amount that is equal to 40 percent of the aggregate salary paid to such Member for service as a Member during such calendar year.

(2) An individual who becomes a Member on a date after the first day of a calendar year shall not accept honoraria which are attributable to the remaining portion of that calendar year on and after the date such individual becomes a Member and total more than the amount that is equal to 40 percent of the aggregate salary paid to the Member for service as a Member during such calendar year.

(3) For the purposes of this subsection, an honorarium shall be attributable to the period or calendar year in which payment is received.

(c) Honoraria paid to charitable organizations

Any honorarium, or any part thereof, paid by or on behalf of a Member to a charitable organization shall be deemed not to be accepted for the purposes of subsection (b) of this section (July 30, 1983, Pub. L. 98-63, § 908(a)-(c), 97 Stat. 337, 338, as amended Dec. 19, 1985, Pub. L. 99-190, § 137, 99 Stat. 1323).

NOTE

2 U.S.C. § 441i also contains restrictions on the acceptance of honorariums. See Senate Manual section 399.17–8.

§ 31a–1. Expense allowance of Majority and Minority Leaders of Senate; expense allowance of Majority and Minority Whips; methods of payment. 220.5

Effective with fiscal year 1978 and each fiscal year thereafter, the expense allowance of the Majority and Minority Leaders of the Senate are increased to $10,000 for each fiscal year for each Leader: *Provided*, That, effective April 1, 1977, there is hereby authorized an expense allowance for the Majority and Minority Whips of the Senate which shall not exceed $2,500 each fiscal year for each Whip: *Provided further*, That, during the period beginning on January 3, 1977, and ending September 30, 1977, and during each fiscal year thereafter, the Vice President, the Majority Leader, the Minority Leader, the Majority Whip, and the Minority Whip may receive the expense allowance (a) as reimbursement for actual expenses incurred upon certification and documentation of such expenses by the Vice President, the respective Leader or the respective Whip, or (b) in equal monthly payments. Effective January 3, 1977, the amounts paid to the Vice President, the Majority or Minority Leader of the Senate, or the Majority or Minority Whip of the Senate as reimbursement of actual expenses incurred upon certification and documentation pursuant to this section, shall not be reported as income, and the expenses so reimbursed shall not be allowed as a deduction, under the Internal Revenue Code of 1954. (May 4, 1977, Pub. L. 95–26, Title I, § 100, 91 Stat. 79; Aug. 5, 1977, Pub. L. 95–94, Title I, § 109, 91 Stat. 661; Sept. 8, 1978, Pub. L. 95–355, Title I, § 100, 92 Stat. 532.)

§ 31c. (Repealed) (Aug. 1, 1953, ch. 304, § 101, 67 Stat. 322, Oct. 1, 1981, Pub. L. 97–51, § 139(b)(2), 95 Stat. 967.)

§ 31a–2. Representation Allowance Account for the Majority and Minority Leaders 220.6

(a) Establishment within Senate; purpose

There is hereby established an account, within the Senate, to be known as the "Representation Allowance Account for the Majority and Minority Leaders". Such Allowance Account shall be used by the Majority and Minority Leaders of the Senate to assist them properly to discharge their appropriate responsibilities in the United States to members of foreign legislative bodies and prominent officials of foreign governments and intergovernmental organizations.

(b) Payments; allotment; reimbursement for actual expenses; taxability

Payments authorized to be made under this section shall be paid by the Secretary of the Senate. Of the funds available for expenditure from such Allowance Account for any fiscal year, one-half shall be allotted to the Majority Leader and one-half shall be allotted to the Minority Leader. Amounts paid from such Allowance Account to the Majority or Minority Leader shall be paid to him from his allotment and shall be paid to him only as reimbursement for actual expenses incurred by him and upon certification and documentation of such expenses. Amounts paid to the Majority or Minority leader pursuant to this section shall not be reported as income and shall not be allowed as a deduction under Title 26.

(c) Authorization of appropriations

There are authorized to be appropriated for each fiscal year (commencing with the fiscal year ending September 30, 1985) not more than $20,000 to the Allowance Account established by this section. (Aug. 15, 1985, Pub. L. 99-88, § 197, 99 Stat. 350.)

220.7 § 31a-2a. Administrative provisions

(a) The Secretary of the Senate shall, upon the written request of the Majority or Minority Leader of the Senate, transfer from any available funds in such Leader's allotment in the Leader's Representation Allowance (as defined in subsection (b)(1)) for any fiscal year (commencing with the fiscal year ending September 30, 1985) to such Leader's Expense Allowance (as defined in subsection (b)(2)) to such year such amount as is specified in the request. Any funds so transferred for any fiscal year at the request of either such Leader shall be available to such Leader for such year for the same purposes as, and in like manner and subject to the same conditions as, are other funds which are available to him for such year as his expense allowance as Majority or Minority Leader.

(b)(1) The term "Leader's Representation Allowance" means the Representation Allowance Account for the Majority and Minority Leaders established by section 197 of Public Law 99-88 (2 U.S.C. 31a-2).

(2) The term "Leader's Expense Allowance", when used in reference to the Majority or Minority Leader of the Senate, refers to the moneys available, for any fiscal year, to such Leader as an expense allowance and the appropriation account from which such moneys are funded. (July 11, 1987, Pub. L. 100-71, § 1, 101 Stat. 422, 423.)

220.8 § 31a-3. Expense allowance for Chairmen of Majority and Minority Conference Committees; method of payment; taxability

For each fiscal year (commencing with the fiscal year ending September 30, 1985), there is hereby authorized an expense allowance for the Chairmen of the Majority and Minority Conference Comittees which shall not exceed $3,000 each fiscal year for each such Chairman; and amounts from such allowance shall be paid to either of such Chairmen only as reimbursement for actual expenses incurred by him and upon certification and documentation of such expenses, and amounts so paid shall not be reported as income and shall not be allowed as a deduction under Title 26. (Aug. 15, 1985, Pub. L. 99-88, § 100, 99 Stat. 348.)

222 § 32. Compensation of President Pro Tempore of Senate.

Whenever there is no Vice President, the President of the Senate for the time being is entitled to the compensation provided by law for the Vice President. (R.S. § 36.)

CROSS REFERENCES

Compensation of Vice President, see section 104 of title 3, United States Code, relating to the President (Senate Manual section **421**).

Mileage of President of Senate, see section 43a of this title (Senate Manual section **233**).

§ 32a. Compensation of Deputy President pro tempore of Senate. 222.5

Effective January 5, 1977, the compensation of a Deputy President pro tempore of the Senate shall be at a rate equal to the rate of annual compensation of the President pro tempore and the Majority and Minority Leaders of the Senate. (May 4, 1977, Pub. L. 95–26, Title I, § 100, 91 Stat. 79.)

NOTE

See Senate Manual section 79.7. The Senate may designate any Member to hold the Office of Deputy President pro tempore of the Senate. Such person is authorized to appoint and fix the compensation of such employees as he deems appropriate, but the gross compensation to such employees shall not exceed $90,000 for any fiscal year.

§ 32b. Expense allowance of President Pro Tempore of Senate; methods of payment; taxability. 222.6

Effective with fiscal year 1978 and each fiscal year thereafter, there is hereby authorized an expense allowance for the President Pro Tempore which shall not exceed $10,000 each fiscal year. The President Pro Tempore may receive the expense allowance (1) as reimbursement for actual expenses incurred upon certification and documentation of such expenses by the President Pro Tempore, or (2) in equal monthly payments. Such amounts paid to the President Pro Tempore as reimbursement of actual expenses incurred upon certification and documentation pursuant to this provision, shall not be reported as income, and the expenses so reimbursed shall not be allowed as a deduction, under the Internal Revenue Code of 1954. (Sept. 8, 1978, Pub. L. 95–355, Title I, § 100, 92 Stat. 532.)

§ 33. (Repealed)

§ 36. Salaries of Senators. 224

Salaries of Senators appointed to fill vacancies in the Senate shall commence on the day of their appointment and continue until their successors are elected and qualified: *Provided*, That when Senators have been elected during a sine die adjournment of the Senate to succeed appointees, the salaries of Senators so elected shall commence on the day following their election.

Salaries of Senators elected during a session to succeed appointees shall commence on the day they qualify: *Provided*, That when Senators have been elected during a session to succeed appointees, but have not qualified, the salaries of Senators so elected shall commence on the day following the sine die adjournment of the Senate.

When no appointments have been made the salaries of Senators elected to fill such vacancies shall commence on the day following their election. (Feb. 13, 1935, ch. 6, § 1, 49 Stat. 22, 23.)

SIMILAR PROVISIONS

1894—July 31, 1894, ch. 174, 28 Stat. 162.
1873—R.S. § 51.

CONSTITUTIONAL PROVISIONS 225

The first section of amendment XX to the Constitution provides in part: "* * * the terms of Senators and Representatives [shall end] at noon on the 3d day of

January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin."

226 §36a. Payment of sums due deceased Senators and Senate personnel.

Under regulations prescribed by the Secretary of the Senate, a person serving as a Senator or officer or employee whose compensation is disbursed by the Secretary of the Senate may designate a beneficiary or beneficiaries to be paid any unpaid balance of salary or other sums due such person at the time of his death. When any person dies while so serving, any such unpaid balance shall be paid by the disbursing officer of the Senate to the designated beneficiary or beneficiaries. If no designation has been made, such unpaid balance shall be paid to the widow or widower of that person, or if there is no widow or widower, to the next of kin or heirs at law of that person. (Jan. 6, 1951, ch. 1213, § 1, 64 Stat. 1224; Oct. 31, 1972, Pub. L. 92-607, § 503, 86 Stat. 1505.)

227 § 39. Deductions for absence.

The Secretary of the Senate and Sergeant at Arms of the House, respectively, shall deduct from the monthly payments (or other periodic payments authorized by law) of each Member or Delegate the amount of his salary for each day that he has been absent from the Senate or House, respectively, unless such Member or Delegate assigns as the reason for such absence the sickness of himself or of some member of his family. (R.S. § 40; Oct. 1, 1981, Pub. L. 97-51, § 112(d), 95 Stat. 963.)

228 § 40. Deductions for withdrawal.

When any Member or Delegate withdraws from his seat and does not return before the adjournment of Congress, he shall, in addition to the sum deducted for each day, forfeit a sum equal to the amount which would have been allowed by law for his mileage in returning home; and such sum shall be deducted from his compensation, unless the withdrawal is with the leave of the Senate or House of Representatives, respectively. (R.S. § 41.)

229 § 40a. Deductions for delinquent indebtedness.

Whenever a Representative, Delegate, or Resident Commissioner, or a United States Senator, shall fail to pay any sum or sums due from such person to the House of Representatives or Senate respectively the appropriate committee or officer of the House of Representatives or Senate, as the case may be, having jurisdiction or the activity under which such debt arose, shall certify such delinquent sum or sums to the Sergeant at Arms of the House in the case of an indebtedness to the House of Representatives and to the Secretary of the Senate in the case of an indebtedness to the Senate, and such latter officials are authorized and directed, respectively, to deduct from any salary, mileage, or expense money due to any such delinquent such certified amounts or so much thereof as the balance or balances due such delinquent may cover. Sums so deducted by the Secretary of the Senate shall be disposed of by him in accordance with existing law, and sums so deducted by the Sergeant at Arms of the House shall be paid to the Clerk of the House and disposed of by him in accordance with existing law. (June 19, 1934, ch. 648, § 1, 48 Stat. 1024.)

§ 42a. Air mail and special-delivery postage allowances for President of the Senate. 231

The Secretary of the Senate is authorized and directed to procure and furnish each fiscal year (commencing with the fiscal year ending September 30, 1982) to the President of the Senate, upon request by such person, United States special-delivery postage stamps in such amount as may be necessary for the mailing of postal matters arising in connection with his official business. (July 2, 1954, ch. 455, § 101, 68 Stat. 402; Aug. 5, 1955, ch. 568, 69 Stat. 503; June 27, 1956, ch. 453, 70 Stat. 359; July 31, 1958, Pub. L. 85-570, 72 Stat. 442; July 12, 1960, Pub. L. 86-628, 74 Stat. 449; Dec. 30, 1963, Pub. L. 88-248, 77 Stat. 805; July 27, 1965, Pub. L 89-90, 79 Stat. 268; July 23, 1968, Pub. L. 90-417, 82 Stat. 400; Dec. 12, 1969, Pub. L. 91-145, § 101, 83 Stat. 342; July 9, 1971, Pub. L. 92-51, § 101, 85 Stat. 128; Oct. 31, 1972, Pub. L. 92-607, § 506(h)(1), 86 Stat. 1508, Oct. 1, 1981, Pub. L. 97-51, § 127, 95 Stat. 965.)

§ 43. Mileage of Senators, Representatives, and Delegates. 232

Each Senator, Representative, and Delegate shall receive mileage at the rate of 20 cents per mile, to be estimated by the nearest route usually traveled in going to and returning from each regular session. (July 28, 1866, ch. 296, § 17, 14 Stat. 323.)

§ 43a. Mileage of President of Senate. 233

On and after July 1, 1935, the President of the Senate shall be paid mileage at the same rate and in the same manner as now allowed by law to Senators, Members of the House of Representatives, and Delegates in Congress. (July 8, 1935, ch. 374, § 1, 49 Stat. 459.)

§ 43d. Organizational expenses of Senator-elect. 234

(a) Upon the recommendation of a Senator-elect (other than an incumbent Senator or a Senator elected to fill a vacancy), the Secretary of the Senate shall appoint two employees to assist such Senator-elect. Any employee so appointed shall serve through the day before the date on which the Senator-elect recommending his appointment commences his service as a Senator, except that his employment may be terminated before such day upon recommendation of such Senator-elect.

(b)(1) Salaries of employees appointed under subsection (a) of this section shall be paid from the appropriation for "Administrative, Clerical, and Legislative Assistance to Senators".

(2) Salaries paid to employees appointed upon recommendation of a Senator-elect under subsection (a) of this section shall be charged against the amount of compensation which may be paid to employees in his office under section 61-1(d) of this title (hereinafter referred to as the "clerk-hire allowance"), for the fiscal year in which his service as a Senator commences. The total amount of salaries paid to employees so appointed upon recommendation of a Senator-elect shall be charged against his clerk-hire allowance for each month in such fiscal year beginning with the month in which his service as a Senator commences (until the total amount has been charged) by whichever of the following amounts is greater: (1) one-ninth of the amount of salaries so paid, or (2) the amount by which the aggregate amount of his clerk-hire allowance which may be paid as of the close of such month under section 61-

1(d)(1)(B) of this title exceed the aggregate amount of his clerk-hire allowance actually paid as of the close of such month.

(c) Each Senator-elect and each employee appointed under subsection (a) of this section is authorized one round trip from the home State of the Senator-elect to Washington, D.C., and return, for the purposes of attending conferences, caucuses, or organizational meetings, or for any other official business connected with the impending Congress. In addition, each Senator-elect and each such employee is authorized per diem for not more then seven days while en route to and from Washington, D.C., and while in Washington, D.C. Such transportation and per diem expenses shall be in the same amounts as are payable to Senators and employees in the office of a Senator under section 58(e) of this title, and shall be paid from the contingent fund of the Senate upon itemized vouchers certified by the Senator-elect concerned and approved by the Secretary of the Senate.

(d)(1) Each Senator-elect is authorized to be reimbursed for expenses incurred for telegrams and telephone services related to his position as a Senator-elect in an amount not exceeding one-twelfth of the total amount of expenses authorized to be paid to or on behalf of a Senator from the State which he will represent under section 58 of this title. Reimbursement to a Senator-elect under this subsection shall be paid from the contingent fund of the Senate upon itemized vouchers certified by such Senator-elect and approved by the Secretary of the Senate.

(2) Amounts reimbursed to a Senator-elect under this subsection shall be charged against the amount of expenses which are authorized to be paid to him or on his behalf under section 58 of this title, for each of the twelve months beginning with the month in which his service as a Senator commences (until all of such amounts have been charged) by whichever of the following amounts is greater: (1) one-twelfth of the amounts so reimbursed, or (2) the amount by which the aggregate amount authorized to be so paid under section 58(c) of this title as of the close of such months exceeds the aggregate amount actually paid under such section 58 of this title as of the close of such month. (Sept. 8, 1978, Pub. L. 95-355, Title I, § 105(a)-(d), 92 Stat. 534).

236 § 46a. Stationery allowance for President of the Senate.

Effective April 1, 1975, and each fiscal year thereafter, the allowance for stationery for the President of the Senate shall be at the rate of $4,500 per annum. (Jan. 6, 1964, Pub. L. 88-258, 77 Stat. 864; May 29, 1967, Pub. L. 90-21, 81 Stat. 38; Dec. 12, 1969, Pub. L. 91-145, § 101, 83 Stat. 342; July 9, 1971, Pub. L. 92-51, § 101, 85 Stat. 128; Dec. 15, 1971, Pub. L. 92-184, § 401, 85 Stat. 635; Oct. 31, 1972, Pub. L. 92-607, § 506(h)(3), 86 Stat. 1508; June 12, 1975, Pub. L. 94-32, Title I, § 101, 89 Stat. 182.)

237 § 46a.-1. Revolving fund for stationery allowances; availability of unexpended balances; withdrawals.

There is established within the contingent fund of the Senate a revolving fund which shall consist of (1) the unexpended balance of the appropriation "Contingent Expenses, Senate, Stationery, fiscal year 1957", (2) any amounts hereafter appropriated for stationery allowances of the President of the Senate, and for stationery for use of officers of the Senate and the Conference of the Majority and the Conference of the

Minority of the Senate, and (3) any undeposited amounts heretofore received, and any amounts hereafter received as proceeds of sales by the stationery room of the Senate. Any moneys in the fund shall be available until expended for use in the same manner and for the same purposes as funds heretofore appropriated to the contingent fund of the Senate for stationery, except that (1) the balance of any amount appropriated for stationery for use of committees and officers of the Senate which remains unexpended at the end of any fiscal year and (2) allowances which are not available for obligation due to vacancies or waiver of entitlement thereto, shall be withdrawn from the revolving fund. (June 21, 1957, Pub. L. 85-58, § 1101, 71 Stat. 188; Oct. 31, 1972, Pub. L. 92-607, § 506(i), 86 Stat. 1508; July 8, 1980, Pub. L. 96-304, § 112(b)(3), 96 Stat. 889, 892.)

§ 46a-3. Senate stationery allowances; availability.[1] 237.1

[The stationery allowance, as authorized by law, for each Senator shall hereafter be available only for (1) purchases made through the Senate stationery room of stationery and other office supplies for use for official business, and (2) reimbursement upon presentation, within thirty days after the close of the fiscal year for which the allowance is provided, of receipted invoices for purchases elsewhere of stationery and other office supplies (excluding items not ordinarily available in the Senate stationery room) for use for official business in an office maintained by a Senator in his home State. Any part of the allowance for stationery which remains unobligated at the end of the fiscal year 1969 or any subsequent fiscal year shall be withdrawn from the revolving fund established by the Third Supplemental Appropriation Act, 1957 (71 Stat. 188; 2 U.S.C. 46a-1), and covered into the general fund of the Treasury (July 23, 1968, Pub. L. 90-417, 82 Stat. 413.)]

§ 46a-4. Provisions of section 46a-3 applicable to the President of the Senate. 237.2

Section 46a-3 of this title is hereby made applicable to the President of the Senate. (Dec. 12, 1969, Pub. L. 91-145, § 101, 83 Stat. 342.)

§ 46d-1. Long-distance telephone calls for Vice President. 240

Commencing January 20, 1949, the provisions of existing law relating to long-distance telephone calls for Senators shall be equally applicable to the Vice President of the United States. (May 24, 1949, ch. 138, § 101, 63 Stat. 77.)

§ 47. Mode of payment. 243

The compensation of Members and Delegates shall be passed as public accounts, and paid out of the Public Treasury. (R.S. § 46.)

§ 48. Certification of salary and mileage accounts. 244

Salary and mileage accounts of Senators shall be certified by the President of the Senate, and those of Representatives and Delegates by the Speaker of the House of Representatives; and such certificates shall be conclusive upon all the departments and officers of the Government. (R.S. §§ 47, 48.)

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[1] This provision was repealed in respect to Senators (sec. 506(h)(4) of the Supplemental Appropriations Act, 1973; Oct. 31, 1972, Pub. L. 92-607, § 506(h)(4), 86 Stat. 1508), but continues to be applicable to the President of the Senate (see sec. 46a-4, Senate Manual section **237.2**).

245 **§ 55. United States Code Annotated and United States Code Service; procurement for Senators.**

In lieu of the volumes of the Code of Laws of the United States, and the supplements thereto, supplied a Senator under section 212 of title 1, the Secretary of the Senate is authorized and directed to supply to a Senator upon written request of, and as specified by, that Senator—

(1) one copy of each of the volumes of the United States Code Annotated being published at the time the Senator takes office, and, as long as that Senator holds office, one copy of each replacement volume, each annual pocket part, and each pamphlet supplementing each such pocket part to the United States Code Annotated; or

(2) one copy of each of the volumes of the United States Code Service being published at the time the Senator takes office, and, as long as that Senator holds office, one copy of each replacement volume and each pocket supplement to the Federal Code Annotated.

A Senator is entitled to make a written request under this paragraph and be supplied such volumes, pocket parts, and supplements the first time he takes office as a Senator and each time thereafter he takes office as a Senator after a period of time during which he has not been a Senator. In submitting such written request, the Senator shall certify that the volumes, pocket parts, or supplements he is to be supplied are to be for his exclusive, personal use. A Senator holding office on July 9, 1971, shall be entitled to file a written request and receive the volumes, pocket parts, and supplements, as the case may be, referred to in this paragraph if such request is filed within 60 days after July 9, 1971. Expenses incurred under this authorization shall be paid from the contingent fund of the Senate. (July 9, 1971, Pub. L. 92-51, § 101, 85 Stat. 129; Oct. 31, 1972, Pub. L. 92-607, § 501, 86 Stat. 1504.)

246 **§ 58. Mail, telegraph, telephone, stationery, office supplies, and home state office and travel expenses for Senators.**

246.1 **(a) Authorization for payment from Senate contingent fund**

The contingent fund of the Senate is made available for payment to or on behalf of each Senator, upon certification of the Senator, for the following expenses incurred by the Senator and his staff:

(1) telecommunications equipment and services subject to such regulations as may be promulgated by the Committee on Rules and Administration of the Senate;

(2) stationery and other office supplies procured for use for official business;

(3) postage on, and fees and charges in connection with, mail matter sent through the mail under the franking privilege in excess of amounts provided from the appropriation for official mail costs, upon certification by the Senate Sergeant at Arms and subject to such regulations as may be promulgated by the Committee on Rules and Administration of the Senate, and reimbursement to each Senator for costs incurred in the preparation of required official reports, and the acquisition of mailing lists to be used for official purposes, and in the mailing, delivery, or transmitting of matters relating to official business;

(4) reimbursement to each Senator for official office expenses incurred (other than for equipment and furniture and expenses described in paragraphs (1) through (3)) for an office in his home State;

(5) reimbursements to each Senator for expenses incurred for publications printed or recorded in any way for auditory and visual use (including subscriptions to books, newspapers, magazines, clippings, and other information services);

(6) subject to the provisions of subsection (e) of this section, reimbursement of travel expenses incurred by the Senator and employees in his office;

(7) reimbursement to each Senator for expenses incurred for additional office equipment and services related thereto (but not including personal services), in accordance with regulations promulgated by the Committee on Rules and Administration of the Senate;

(8) reimbursement to each Senator for charges officially incurred for recording and photographic services and products; and

(9) reimbursement to each Senator for such other official expenses as the Senator determines to be necessary.

Reimbursement to a Senator and his employees under this section shall be made only upon presentation of itemized vouchers for expenses incurred and, in the case of expenses reimbursed under paragraphs (6) and (9), only upon presentation of detailed itemized vouchers for such expenses. Vouchers presented for payment under this section shall be accompanied by such documentation as is required under regulations promulgated by the Committee on Rules and Administration of the Senate. No reimbursement shall be made under paragraph (4) or (9) for any expense incurred for entertainment or meals.

(b) Limits for authorized expenses; recalculation formula 246.2

(1)(A) Except as is otherwise provided in the succeeding paragraphs of this subsection and subject to subparagraph (B) of this paragraph, the total amount of expenses authorized to be paid to or on behalf of a Senator under this section shall not exceed for calendar year 1977 or any calendar year thereafter an amount equal to one-half of the sum of the amounts authorized to be paid under this section on the day before August 5, 1977, to or on behalf of both of the Senators from the State which he represents, increased by an amount equal to twenty percent thereof and rounded to the next higher multiple of $1,000.

(B) In the event that the term of office of a Senator begins after the first month of any such calendar year or ends (except by reason of death, resignation, or expulsion) before the last month of any such calendar year, the aggregate amount available to such Senator for such year shall be the aggregate amount computed under paragraph (1) of this subsection, divided by 12, and multiplied by the number of months in such year which are included in the Senator's term of office, counting any fraction of a month as a full month.

(2)(A) In the case of the period which commences January 1, 1988, and ends September 30, 1988, the total of—

(i) the expenses paid to or on behalf of a Senator under this section for such period, plus

(ii) the aggregate amount of gross compensation which is paid to employees in the office of such Senator for such period (as determined for purposes of section 61-1(d) of this title), shall not exceed the aggregate of—

(iii) subject to subparagraph (B), an amount equal to 75 percent of the amount of the authorized expenses under this section for the calendar year ending December 31, 1987, as determined in the case of a Senator, who represents the State which such Senator represents, whose term of office included all of such calendar year, plus

(iv) the amount by which (I) the aggregate of the gross compensation which may be paid to employees in the office of such Senator for the fiscal year ending September 30, 1988, pursuant to the limitations imposed by section 61-1(d) of this title (as determined without regard to paragraph (1)(B) thereof), exceeds (II) the aggregate amount of gross compensation which is paid to employees in the office of such Senator for that part of such fiscal year which precedes January 1, 1988.

(B) In the event that the term of office of a Senator begins after the first month of the period which commences January 1, 1988, and ends September 30, 1988, or ends (except by reason of death, resignation, or expulsion) before the last month of such period, the amount computed pursuant to subparagraph (A)(iii) of this paragraph (but before application of this subparagraph) shall be recalculated as follows: such amount, as computed under subparagraph (A)(iii) of this paragraph, shall be divided by 9, and multiplied by the number of months in such period which are included in the Senator's term of office, counting any fraction of a month as a full month.

(3)(A) In the case of the fiscal year beginning October 1, 1988, or any fiscal year thereafter, the total of—

(i) the expenses paid to or on behalf of a Senator under this section for such fiscal year, plus

(ii) the aggregate amount of gross compensation which is paid to employees in the office of such Senator for such fiscal year (as determined for purposes of section 61-1(d) of this title),

shall not exceed the aggregate of—

(iii) subject to subparagraph (B), in case the Senator represents Alabama, $53,000, Alaska, $137,000, Arizona, $63,000, Arkansas, $54,000, California, $95,000, Colorado, $59,000, Connecticut, $44,000, Delaware, $36,000, Florida, $56,000, Georgia, $53,000, Hawaii, $156,000, Idaho, $62,000, Illinois, $71,000, Indiana, $53,000, Iowa, $55,000, Kansas, $55,000, Kentucky, $52,000, Louisiana, $56,000, Maine, $48,000, Maryland, $40,000, Massachusetts, $51,000, Michigan, $59,000, Minnesota, $56,000, Mississippi, $54,000, Missouri, $57,000, Montana, $62,000, Nebraska, $56,000, Nevada, $64,000, New Hampshire, $45,000, New Jersey, $48,000, New Mexico, $60,000, New York, $76,000, North Carolina, $50,000, North Dakota, $55,000, Ohio, $64,000, Oklahoma, $58,000, Oregon, $66,000, Pennsylvania, $63,000, Rhode Island, $43,000, South Carolina, $48,000, South Dakota, $56,000, Tennessee, $53,000, Texas, $79,000, Utah, $62,000, Vermont, $44,000, Virginia, $45,000, Washington, $68,000, West Virginia, $44,000, Wisconsin, $55,000, Wyoming, $58,000, plus

(iv) the aggregate of the gross compensation which may be paid to employees in the office of such Senator for such fiscal year, under the limitations imposed by section 61-1(d) of this title, but without regard to the provisions of paragraph (1)(C)(iv) thereof.

(B) In the event that the term of office of a Senator begins after the first month of any such fiscal year or ends (except by reason of death, resignation, or expulsion) before the last month of any such fiscal year, the amount referred to in subparagraph (A)(iii) shall be recalculated as follows: such amount, as computed under subparagraph (iii), shall be divided by 12, and multiplied by the number of months in such year which are included in the Senator's term of office, counting any fraction of a month as a full month.

(c) Payments. Repealed, Pub. L. 97-51, sec. 122, Oct. 1, 1981, 95 Stat. 965. 246.3

(d) Repealed.

(e) Travel expenses; limitation.[1] 246.4

Subject to and in accordance with regulations promulgated by the Committee on Rules and Administration of the Senate, a Senator and the employees in his office shall be reimbursed under this section for travel expenses incurred by the Senator or employee while traveling on official business within the United States. The term "travel expenses" includes actual transportation expenses, essential travel-related expenses, and, where applicable, per diem expenses (but not in excess of actual expenses.) A Senator or an employee of the Senator shall not be reimbursed for any travel expenses (other than actual transportation expenses) for any travel occurring during the sixty days immediately before the date of any primary or general election (whether regular, special, or runoff) in which the Senator is a candidate for public office (within the meaning of section 431(b) of this title), unless his candidacy in such election is uncontested. For purposes of this subsection and subsection (a)(6) of this section, an employee in the Office of the President pro tempore, Deputy President pro tempore, Majority Leader, Minority Leader, Majority Whip, Minority Whip, Secretary of the Conference of the Majority, or Secretary of the Conference of the Minority shall be considered to be an employee in the office of the Senator holding such office.

(f) Reduction of allowances for fiscal year 1973. (Executed)

(g) Closing of deceased Senator's State offices. 246.5

In the case of the death of any Senator, the chairman of the Committee on Rules and Administration may certify for such deceased Senator for any portion of such sum already obligated but not certified to at the time of such Senator's death, and for any additional amount which may be reasonably needed for the purpose of closing such deceased Senator's State offices, for payment to the person or persons designated as entitled to such payment by such chairman.

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[1] S. Res. 540, 96-2, agreed to Dec. 8, 1980, provided: "That, until otherwise provided by law, reimbursement with respect to travel expenses incurred by a Senator or employee described in section 506(e) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(e); shall be made as if the phrase 'only for actual transportation expenses' read 'for travel expenses essential to the transaction of official business while away from his official station or post of duty'."

246.6 **(h) Individuals serving on panels or other bodies recommending nominees for Federal judgeships or service academies.**

For purposes of subsections (a) and (e) of this section, an individual who is selected by a Senator to serve on a panel or other body to make recommendations for nominees to one or more Federal judgeships or to one or more service academies shall be considered to be an employee in the office of that Senator with respect to travel and official expenses incurred in performing duties as a member of such panel or other body, and shall be reimbursed (A) for actual transportation expenses and per diem expenses (but not exceeding actual travel expenses) incurred while traveling in performing such duties within the Senator's home State or between that State and Washington, District of Columbia, and each of the service academies, (B) for official expenses incurred in performing such duties. For purposes of this subsection and subsection (a) of this section, "official expenses" means expenses of the type for which reimbursement may be made to an employee in the office of a Senator when traveling on business of a committee of which that Senator is a member, and, for accounting purposes, such expenses shall be treated as expenses for which reimbursement may be made under subsection (a)(4) of this section.

246.7 **(i) Authorization of Secretary of Senate to pay reimbursable expenses.**

Whenever a Senator or an employee in his office has incurred an expense for which reimbursement may be made under this section, the Secretary of the Senate is authorized to make payment to that Senator or employee for the expense incurred, subject to the same terms and conditions as apply to reimbursement of the expense under this section. (Oct. 31, 1972, Pub. L. 92-607, § 506(a)-(g), 86 Stat. 1505; amended Aug. 13, 1974, Pub. L. 93-371, §§ 101(3)(e), 88 Stat. 429; July 25, 1975, Pub. L. 94-59, § 103, 89 Stat. 274; Aug. 5, 1977, Pub. L. 95-94, Title I, § 112, 91 Stat. 663; Mar. 7, 1978, Pub. L. 95-240, Title II, § 208, 92 Stat. 117; Sept. 30, 1978, Pub. L. 95-391, Title I, § 108(a), 92 Stat. 773; July 8, 1980, Pub. L. 96-304, Title I, §§ 101, 102(a), 103, 104, 94 Stat. 889; July 6, 1981, Pub. L. 97-19, 95 Stat. 103; July 14, 1983, Pub. L. 98-51, § 102, 97 Stat. 266; July 12, 1985, Pub. L. 99-65, § 1(a), 99 Stat. 163; October 21, 1987, Pub. L. 100-137, 101 Stat. 815, 816, 817, 818, and 829; October 1, 1988, Pub. L. 100-458, § 8, 13, 102 Stat. 2162.)

NOTE

Subsection (b) of section 8 of Public Law 100-458 provided that the amendment to section 58(a)(9) of title 40 would apply only to expenses incurred on or after October 1, 1988.

(j) Advances from contingent fund of the Senate for travel expenses for official business trips; settlement.

Whenever a Senator or employee of his office plans an official business trip with respect to which reimbursement for travel expenses is authorized under the preceding provisions of section (a), the Senator (or such an employee who has been designated by the Senator to do so) may, prior to the commencement of such trip and in accordance with applicable regulations of the Senate Committee on Rules and Administration, obtain from any moneys in the contingent fund of the Senate which are available to him for purposes specified in subsection (a)(6) of this section, such advance sum as he shall certify (and be accountable for) to the Secretary of the Senate, to be necessary to defray some or all of the expenses to be incurred on such trip which expenses are reimbursable under the preceding provisions of this section. The receipt by any Senator for any sum so advanced to him or his order out of the contingent fund of the Senate by the Secretary of the Senate shall be taken and passed by the accounting officers of the Government as a full and sufficient voucher, but it shall be the duty of such Senator (or employee of his office, as the case may be), as soon as practicable, to furnish to the Secretary of the Senate a detailed voucher of the expenses incurred for the travel with respect to which the sum was so advanced, and make settlement with respect to such sum.

§ 58a. Telecommunications services for Senators; payment of costs out of contingent fund. 246.8

The Sergeant at Arms and Doorkeeper of the Senate shall furnish each Senator local and long-distance telecommunications services in Washington, District of Columbia, and in such Senator's State in accordance with regulations prescribed by the Senate Committee on Rules and Administration; and the costs of such service shall be paid out of the contingent fund of the Senate from moneys made available to him for that purpose. (Nov. 30, 1983, Pub. L. 98-181, § 1205(a), as amended, 97 Stat. 1290; July 12, 1985, Pub. L. 99-65, § 1(b), 99 Stat. 163; Oct. 2, 1986, Pub. L. 99-439, 31, 100 Stat. 1085.)

Payment for telecommunications equipment and certain services furnished by the Sergeant at Arms and Doorkeeper of the Senate.

NOTE

This Act shall take effect on October 1, 1987.

§ 58a-1. As used in this Act, the term.

(1) "Sergeant at Arms" means the Sergeant at Arms and Doorkeeper of the United States Senate; and

(2) "user" means any Senator, Officer of the Senate, Committee, office, or entity provided telephone equipment and services by the Sergeant at Arms.

§ 58a-2. Regulations; certification.

(a) Subject to such regulations as may hereafter be issued by the Committee on Rules and Administration of the Senate, the Sergeant at Arms shall have the authority, with respect to telephone equipment and services provided to any user on a reimbursable basis (including repair or replacement), solely for the purposes of this section, to make such certification as may be necessary to establish such services and equipment as official, issue invoices in conjunction therewith, and receive payment for such services and equipment by certification, voucher, or otherwise.

(b) For purposes of this Act, telephone equipment and services provided to any user for which payment, prior to the effective date of this Act, was not authorized from the contingent fund of the Senate shall, on and after such effective date, be considered telephone equipment and services provided on a reimbursable basis for which payment may be obtained from such fund in accordance with subsection (a) of this section.

(c) Subject to the approval of the Committee on Rules and Administration, the Sergeant at Arms may establish reasonable charges for telephone equipment and services provided to any user which may be in addition to that regularly authorized by the Committee.

(d) All moneys, derived from payments for telephone equipment and services provided from funds from the Appropriation Account within the contingent fund of the Senate for "Contingent Expenses, Sergeant at Arms and Doorkeeper of the Senate" under the line item for Telecommunications (including receipts from carriers and others for loss or damage to such services or equipment for which repair or replacement has been provided by the Sergeant at Arms), shall be deposited in and made a part of such Appropriation Account and under such line item, and shall be available for expenditure or obligation, or both, in like manner and subject to the same limitations as any other moneys in such account and under such line item.

(e) Nothing in this Act shall be construed as limiting or otherwise affecting the authority of the Committee on Rules and Administration of the Senate to classify or reclassify telephone equipment and services provided to any user as equipment or services for which reimbursement may or may not be required.

§ 58a-3. Report.

The Sergeant at Arms shall report to the Committee on Rules and Administration of the Senate, at such time or times, and in such form and manner, as the Committee may direct, on expenditures made, and revenues received, pursuant to this Act. It shall be the function of the Sergeant at Arms to advise the Committee, as soon as possible, of any dispute regarding payments to and from such Appropriation Account as related to the line item for Telecommunications, including any amounts due and unpaid by any user, if any such dispute has remained unresolved for a period of at least 60 days. (Oct. 5, 1987, Pub. L. 100-123, 101 Stat. 794.)

246.9 § 58b. Transfer to Senator's Official Office Expense Account of that Senator's clerk hire allowance funds remaining at end of fiscal year. Repealed. October 21, 1987, § 2, Pub. L. 100-137, 101 Stat 8.19.

246.10 § 58c. Senators' Official Personnel and Office Expense Account.

(a)(1) Effective January 1, 1988, there shall be, within the contingent fund of the Senate, a separate appropriation account to be known as the Senators' Official Personnel and Office Expense Account (hereinafter in this section referred to as the "Senators' Account").

(2) The Senators' Account shall be used for the funding of all items, activities, and expenses which, immediately prior to January 1, 1988, were funded under either (A) the Senate appropriation account for "Administrative, Clerical, and Legislative Assistance Allowance to Senators" (hereinafter in this section referred to as the "Senators' Clerk Hire Allowance Account") under the headings "SENATE" and "SALARIES, OFFICERS AND EMPLOYEES", or (B) that part of the account, within the contingent fund of the Senate, for "Miscellaneous Items" (hereinafter in this section referred to as the "Senators' Official Expense Account") which is available for allocation to Senatorial Official Office Expense Accounts. In addition, the Senators' Account shall be used for the funding of agency contributions payable with respect to compensation pay-

able by such account, but moneys appropriated to such account for this purpose shall not be available for any other purpose. The account, which in clause (A) of the first sentence of this paragraph is identified as the "Senators' Clerk Hire Allowance Account" and the account, which in clause (B) of such sentence is identified as the "Senators' Offical Expense Account" shall, when referred to in other law, rule, regulation, or order (whether referred to by such name or any other) shall on or after January 1, 1988, be deemed to refer to the "Senators' Official Personnel and Office Expense Account."

(3)(A) Effective on January 1, 1988, there shall be transferred to the Senators' Account from the Senators' Clerk Hire Allowance Account all funds therein which were available for expenditure or obligation during the fiscal year ending September 30, 1988, and from the Senators' Official Office Expense Account so much of the funds therein as was available for expenditure or obligation for the period commencing January 1, 1988, and ending September 30, 1988; except that the Senators' Official Office Expense Account shall remain in being solely for the purpose of being available to pay for any authorized item, activity, or expense, for which funds therein had been obligated, but not paid, prior to such transfer.

(B) Any of the funds transferred to the Senators' Account from the Senators' Clerk Hire Allowance Account pursuant to subparagraph (A) which, prior to such transfer, had been obligated, but not expended, for any authorized item, activity, or expense, shall be available to pay for such item, activity, or expense in like manner as if such transfer had not been made.

(4) On January 1, 1988, there shall be transferred to the Senators' Account, from the appropriation account for "Agency Contributions", under the headings "SENATE" and "SALARIES, OFFICERS AND EMPLOYEES", so much of the moneys in such account as was appropriated for the purpose of making agency contributions for administrative, clerical, and legislative assistance to Senators with respect to compensation payable for the period commencing January 1, 1988, and ending September 30, 1988; and the moneys so transferred shall be available only for the payment of such agency contributions with respect to such compensation.

(5) Vouchers shall not be required for the disbursement, from the Senators' Account, of salaries of employees in the office of a Senator (Oct. 21, 1987, Pub. L. 100-137, 101 Stat. 814, 815.)

§ 59. Home State office space for Senators. 247

(a) Procurement by Sergeant at Arms of Senate in places designated by Senator; places subject to use, lease of office space. 247.1

(1) The Sergeant at Arms of the Senate shall secure for each Senator office space suitable for the Senator's official use in places designated by the Senator in the State he represents. That space shall be secured in post offices or other Federal buildings at such places. In the event suitable office space is not available in post offices or other Federal buildings, the Sergeant at Arms shall secure other office space in those places.

(2) The Senator may lease, on behalf of the United States Senate, the office space so secured for a term not extending beyond the term of office which he is serving on the first day of such lease, except that, in the case

of a Senator whose term of office is expiring and who has been elected for another term, such lease may extend until the end of the term for which he has been so elected. Each such lease shall contain a provision permitting its cancellation upon sixty days written notice by the Sergeant at Arms and Doorkeeper of the Senate, in the event of the death or resignation of the Senator. A copy of each such lease shall be furnished to the Sergeant at Arms. Nothing in this paragraph shall be construed to require the Sergeant at Arms to enter into or execute any lease for or on behalf of a Senator.

247.2 **(b) Maximum amount of aggregate square feet for each Senator.**

The aggregate square feet of office space secured for a Senator shall not at any time exceed—

(1) 4,800 square feet if the population of his State is less than 2,000,000;

(2) 5,000 square feet if such population is 2,000,000 but less than 3,000,000;

(3) 5,200 square feet if such population is 3,000,000 but less than 4,000,000;

(4) 5,400 square feet if such population is 4,000,000 but less than 5,000,000;

(5) 5,800 square feet if such population is 5,000,000 but less than 7,000,000;

(6) 6,200 square feet if such population is 7,000,000 but less than 9,000,000;

(7) 6,400 square feet if such population is 9,000,000 but less than 10,000,000;

(8) 6,600 square feet if such population is 10,000,000 but less than 11,000,000;

(9) 6,800 square feet if such population is 11,000,000 but less than 12,000,000;

(10) 7,000 square feet if such population is 12,000,000 but less than 13,000,000;

(11) 7,400 square feet if such population is 13,000,000 but less than 15,000,000;

(12) 7,800 square feet if such population is 15,000,000 but less than 17,000,000; or

(13) 8,000 square feet if such population is 17,000,000 or more.

247.3 **(c) Maximum annual rental rate.**

(1) The maximum annual rate that may be paid for the rental of an office secured for a Senator not in a post office or other Federal building shall not exceed the highest rate per square foot charged Federal agencies on the first day of the lease of such office by the Administrator of General Services, based upon a 100 percent building quality rating, for office space located in the place in which the Senator's office is located, multiplied by the number of square feet contained in that office used by the Senator and his employees to perform their duties.

(2) The aggregate amount that may be paid for the acquisition of furniture, equipment, and other office furnishings heretofore provided by the Administrator of General Services for one or more offices secured for the Senator is $30,000 if the aggregate square feet of office space is not in excess of 4,800 square feet. Such amount is increased by $734 for each

authorized additional incremental increase in office space of 200 square feet.

(d) Senators subject to maximum amount of aggregate square feet and maximum annual rental rate. 247.4

(1) Notwithstanding subsection (b) of this section, the aggregate square feet of office space secured for a Senator who is a Senator on July 1, 1974, shall not at any time exceed, as long as he continuously serves as a Senator, the greater of—

(A) the applicable square footage limitation of such subsection; or

(B) the total square footage of those offices that the Senator has on such date and which are continuously maintained in the same buildings in which such offices were located on such date.

(2) The provisions of subsection (c) of this section do not apply to any office that a Senator has on July 1, 1974, not in a post office or other Federal building, as long as—

(A) that Senator continuously serves as a Senator; and

(B) that office is maintained in the same building in which it was located on such date and contains not more than the same number of square feet it contained on such date.

NOTE

This subsection was made permanent law by sec. III of Pub. L. 98-51, 97 Stat. 269.

(e) Mobile office. 247.5

(1) Subject to the provisions of paragraphs (2), (3), (4), and (5), a Senator may lease one mobile office for use only in the State he represents and shall be reimbursed from the contingent fund of the Senate for the rental payments made under such lease together with the actual nonpersonnel cost of operating such mobile office. The term of any such lease shall not exceed one year. A copy of each such lease shall be furnished to the Sergeant at Arms of the Senate.

(2) The maximum aggregate annual rental payments and operating costs (except furniture, equipment, and furnishings) that may be reimbursed to a Senator under paragraph (1) shall not at any time exceed an amount determined by multiplying (A) the highest applicable rate per square foot charged Federal agencies by the Administrator of General Services in the State which that Senator represents, based upon a 100 percent building quality rating, by (B) the maximum aggregate square feet of office space to which that Senator is entitled under subsection (b) of this subsection reduced by the number of square feet contained in offices secured for that Senator under subsection (a) of this subsection and used by that Senator and his employees to perform their duties.

(3) No reimbursement shall be made under paragraph (1) for rental payments and operating costs of a mobile office of a Senator unless the following provisions are included in its lease:

(A) Liability insurance in the amount of $1,000,000 shall be provided with respect to the operation and use of such mobile office.

(B) The following inscription shall be clearly visible on three sides of such mobile office in letters not less than four inches high:

"Mobile Office of Senator (name of Senator)
"FOR OFFICIAL OFFICE USE ONLY".

(4) No reimbursement shall be made under paragraph (1) for rental payments and operating costs of a mobile office of a Senator which are attributable to or incurred during the 60-day period ending with the date of any primary or general election (whether regular, special, or runoff) in which that Senator is a candidate for public office, unless his candidacy in such election is uncontested.

(5) Reimbursement under paragraph (1) shall be made on a monthly basis and shall be paid upon vouchers approved by the Sergeant at Arms of the Senate. (Aug. 13, 1974, Pub. L. 93-371, § 101(3) (a)-(d), 88 Stat. 428; June 12, 1974, Pub. L. 94-32, § 101(4), 89 Stat. 183; July 25, 1975, Pub. L. 94-59, Title I, §§ 106(a), 107, 89 Stat. 276; May 4, 1977, Pub. L. 95-26, ch. VII, § 105, 91 Stat. 83; Aug. 5, 1977, Pub. L. 95-94, Title I, § 112(d), 91 Stat. 664; July 8, 1980, Pub. L. 96-304, § 109, 94 Stat. 890, Aug. 15, 1985, Pub. L. 99-88, § 194, 99 Stat. 349.)

248 § 59b. Purchase of office equipment or furnishings by Senators.

248.1 (a) Authorization; conditions.

Notwithstanding any other provision of law, a United States Senator may purchase, upon leaving office or otherwise ceasing to be a Senator (except by expulsion), any item or items of office equipment or office furnishings provided by the General Services Administration and then currently located and in use in an office of such Senator in the State then represented by such Senator.

248.2 (b) Request to by Senator and arrangement for purchase by Sergeant at Arms of Senate; regulations governing purchase; price.

At the request of any United States Senator, the Sergeant at Arms of the Senate shall arrange for and make the purchase of equipment and furnishings under subsection (a) of this section on behalf of such Senator. Each such purchase shall be—

(1) in accordance with regulations which shall be prescribed by the Committee on Rules and Administration of the Senate, after consultation with the General Services Administration; and

(2) at a price equal to the acquisition cost to the Federal Government of the equipment or furnishings so purchased, less allowance for depreciation determined under such regulations, but in no instance less than the fair market value of such items.

248.3 (c) Remittance of amounts received to General Services Administration; disposition.

Amounts received by the Federal Government from the sale of items of office equipment or office furnishings under this section shall be remitted to the General Services Administration and credited to the appropriate account or accounts. (Oct. 20, 1974, Pub. L. 93-462, § 2, 88 Stat. 1388.)

248.5 § 59c. Disposal of used or surplus furniture and equipment.

Effective October 1, 1981, the Sergeant at Arms and Doorkeeper of the Senate is authorized to dispose of used or surplus furniture and equipment by trade-in or by sale directly or through the General Services

Administration. Receipts from the sale of such furniture and equipment shall be deposited in the United States Treasury for credit to the appropriation for "Miscellaneous Items" under the heading "Contingent Expenses of the Senate". (Oct. 1, 1981, Pub. L. 97-51, § 118, 95 Stat. 964.)

Chapter 4.—OFFICERS AND EMPLOYEES OF SENATE AND HOUSE OF REPRESENTATIVES

§ 60-1. Authority of officers of the Congress over Congressional employees—Qualifications determinations; removal and discipline. 249

(a) Each officer of the Congress having responsibility for the supervision of employees, including employees appointed upon recommendation of Members of Congress, shall have authority—

(1) to determine, before the appointment of any individual as an employee under the supervision of that officer of the Congress, whether that individual possesses the qualifications necessary for the satisfactory performance of the duties and responsibilities to be assigned to him; and

(2) to remove or otherwise discipline any employee under his supervision.

(b) As used in this section, the term "officer of the Congress" means—

(1) an elected officer of the Senate or House of Representatives who is not a Member of the Senate or House; and (2) The Architect of the Capitol. (Oct. 26, 1970, Pub. L. 91-510, § 431, 84 Stat. 1190.)

§ 60a-1. Senate pay adjustments; action by President pro tempore of Senate. 249.5

(a) Each time the President adjusts the rates of pay of employees under section 5305 of Title 5 the President pro tempore of the Senate shall, as he considers appropriate—

(1)(A) adjust the rate of personnel whose pay is disbursed by the Secretary of the Senate, and any minimum or maximum rate applicable to any such personnel; or

(B) in the case of such personnel whose rates of pay are fixed by or pursuant to law at specific rates, adjust such rates (including the adjustment of such specific rates to maximum pay rates) and in the case of all other personnel whose pay is disbursed by the Secretary of the Senate, adjust only the minimum or maximum rates applicable to such other personnel; and (2) adjust any limitation or allowance applicable to such personnel;

by percentages which are equal or equivalent, insofar as practicable and with such exceptions as may be necessary to provide for appropriate pay relationships between positions, to the percentages of the adjustments made by the President under such section 5305 for corresponding rates of pay for employees subject to the General Schedule contained in section 5332 of such title. Such rates, limitations, and allowances adjusted by the President pro tempore shall become effective on the first day of the month in which any adjustment becomes effective under such section 5305 or section 3(c) of this Act.

(b) The adjustments made by the President pro tempore shall be made in such manner as he considers advisable and shall have the force and effect of law.

(c) Nothing in this section shall impair any authority pursuant to which rates of pay may be fixed by administrative action.

(d) No rate of pay shall be adjusted under the provisions of this section to an amount in excess of the rate of basic pay for level III of the Executive Schedule contained in section 5314 of Title 5.

(e) For purposes of this section, the term "personnel" does not include any Senator. (Pub. L. 91-656, § 4, Jan. 8, 1971, 84 Stat. 1952, amended Pub. L. 92-298, § 3(a), May 17, 1972, 86 Stat. 146; Pub. L. 92-392, § 14(a), Aug. 19, 1972, 86 Stat. 575; Pub. L. 94-82; Title II, § 204(d), Aug. 9, 1975, 89 Stat. 422.)

249.6 § 60a.-1a. Rates of compensation disbursed by Secretary of Senate; applicability of Senate pay adjustments by President pro tempore of Senate.

No provision of this Act or of any Act enacted after October 1, 1976, which specifies a rate of compensation (including a maximum rate) for any position or employee whose compensation is disbursed by the Secretary of the Senate shall, unless otherwise specifically provided therein, be construed to affect the applicability of section 60a-1 of this title to such rate. (Pub. L. 94-440, Title I, § 107, Oct. 1, 1976, 90 Stat. 1444.)

250 § 60c-1. Officers and employees paid by Secretary of the Senate; payment of salary; advance payment.

The compensation of Senators and officers and employees whose compensation is disbursed by the Secretary of the Senate, shall be payable on the fifth day of the month following the month in which such compensation accrued, except that—

(1) when such fifth or twentieth day falls on Saturday, Sunday or on a legal holiday (including any holiday on which the banks of the District of Columbia are closed pursuant to law), such compensation shall be payable on the next preceding workday; and

(2) any part of such compensation accrued for any month may, in the discretion of the Secretary of the Senate, be paid prior to the day specified in the preceding provisions of the section.

For purposes of the Internal Revenue Code of 1954 and for accounting and reporting purposes, disbursements made in accordance with this section on the fifth day of a month, or on the next preceding workday if such fifth day falls on Saturday, Sunday, or a legal holiday, shall be considered to have been made on the last day of the preceding month. (April 20, 1960, Pub. L. 86-426, 74 Stat. 53; Oct. 11, 1971, Pub. L. 92-136, § 6, 85 Stat. 378; July 25, 1979, Pub. L. 96-38, Title I, § 108, 93 Stat. 113; Oct. 1, 1981, Pub. L. 97-51, § 111(a), § 112(a), 95 Stat. 962; Sept. 10, 1982, Pub. L. 97-257, Title I, Sec. 105(a), 96 Stat. 849.)

250.5 § 60c-2. Salary deposit in financial organizations.

(a) Written request of employee; designation of financial organization.

The Secretary of the Senate shall, upon the written request of any individual whose compensation is disbursed by the Secretary pay such compensation by sending a check to a financial organization designated by that individual and drawn in favor of such organization and by specifying the individual to whose account (including an account providing for the purchase of shares) the payment is to be credited No reimbursement shall be required for the sending of any such check.

(b) Deposit of aggregate amount in the financial organization resulting from multiple designations of the same organization; specification of the individual amounts to be credited.

If more than one individual making a request under subsection (a) of this section designates the same financial organization, the Secretary may pay such compensation by sending to the organization a check that is drawn in favor of the organization for the total amount designated by those individuals and by specifying the amount to be credited to the account of each of those individuals.

(c) Full acquittance for the amount due.

Payment by the United States of a check, drawn in accordance with this section and properly endorsed, shall constitute a full acquittance for the amount due to the individual making any such request.

(d) Rules and regulations.

The Secretary of the Senate is authorized to promulgate rules and regulations to carry out the provisions of this section.

(e) Definition of "financial organization".

For purposes of this section, "financial organization" means any bank, savings bank, savings and loan association or similar institution, or Federal or State chartered credit union. (Oct. 11, 1971, Pub. L. 92-136, § 4, 85 Stat. 377.)

NOTE

Pub. L. 92-136, sec. 4, Oct. 11, 1971, 85 Stat. 377, authorized and directed the Secretary of the Senate, if requested by an individual whose compensation is disbursed by the Secretary, to pay the compensation by sending a check to a financial organization designated by the individual. See sec. 3332 of Title 31, Money and Finance.

§ 60c-2a. Banking and financial transactions of Secretary of the Senate. 250.7

(a) Reimbursement of banks for costs of clearing items for Senate.

The Secretary of the Senate is authorized to reimburse any bank which clears items for the United States Senate for the costs incurred therein. Such reimbursements shall be made from the contingent fund of the Senate.

(b) Check cashing regulations for Disbursing Office of Senate.

The Secretary of the Senate is authorized to prescribe such regulations as he deems necessary to govern the cashing of personal checks by the Disbursing Office of the Senate.

(c) Amounts withheld from disbursements for employee indebtedness.

Whenever an employee whose compensation is disbursed by the Secretary of the Senate becomes indebted to the Senate and such employee fails to pay such indebtedness, the Secretary of the Senate is authorized to withhold the amount of the indebtedness from any amount which is disbursed by him and which is due to, or on behalf of, such employee. Whenever an amount is withheld under this section, the appropriate account shall be credited in an amount equal to the amount so withheld. (Pub. L. 94-440, Title I, § 104, Oct. 1, 1976, 90 Stat. 1443.)

251 § 60c-3. Withholding and remittance of State income tax by Secretary of Senate.

(a) Agreement by Secretary with appropriate State official; covered individuals.

Whenever—

(1) the law of any State provides for the collection of an income tax by imposing upon employers generally the duty of withholding sums from the compensation of employees and remitting such sums to the authorities of such State; and

(2) such duty to withhold is imposed generally with respect to the compensation of employees who are residents of such State;

then the Secretary of the Senate is authorized, in accordance with the provisions of this section, to enter into an agreement with the appropriate official of that State to provide for the withholding and remittance of sums for individuals—

(A) whose pay is disbursed by the Secretary; and

(B) who request the Secretary to make such withholdings for remittance to that State.

(b) Number of remittances authorized.

Any agreement entered into under subsection (a) of this section shall not require the Secretary to remit such sums more often than once each calendar quarter.

(c) Requests by individuals of Secretary for withholding and remittance; amount of withholding; number and effective date of requests; change of designated State; revocation of request; rules and regulations.

(1) An individual whose pay is disbursed by the Secretary may request the Secretary to withhold sums from his pay for remittance to the appropriate authorities of the State that he designates. Amounts of withholding shall be made in accordance with those provisions of the law of that State which apply generally to withholding by employers.

(2) An individual may have in effect at any time only one request for withholdings, and he may not have more than two such requests in effect with respect to different States during any one calendar year. The request for withholdings is effective on the first day of the first month commencing after the day on which the request is received in the Disbursing Office of the Senate, except that—

(A) when the Secretary first enters into an agreement with a State, a request for withholdings shall be effective on such date as the Secretary may determine; and

(B) when an individual first receives an appointment, the request shall be effective on the day of appointment, if the individual makes the request at the time of appointment.

(3) An individual may change the State designated by him for the purposes of having withholdings made and request that the withholdings be remitted in accordance with such change, and he may also revoke his request for withholdings. Any change in the State designated or revoca-

tion is effective on the first day of the first month commencing after the day on which the request for change or the revocation is received in the Disbursing Office.

(4) The Secretary is authorized to issue rules and regulations he considers appropriate in carrying out this subsection.

(d) Time or times of agreements by Secretary.

The Secretary may enter into agreements under subsection (a) of this section at such time or times as he considers appropriate.

(e) Provisions as not imposing duty, burden, requirement or penalty upon the United States, Senate, or any officer or employee of the United States; effect of filing paper, form, or document with Secretary.

This section imposes no duty, burden, or requirement upon the United States, the Senate, or any officer or employee of the United States, except as specifically provided in this section. Nothing in this section shall be deemed to consent to the application of any provision of law which has the effect of subjecting the United States, the Senate, or any officer or employee of the United States to any penalty or liability by reason of the provisions of this section. Any paper, form, or document filed with the Secretary under this section is a paper of the Senate within the provisions of rule XI [1] of the Standing Rules of the Senate.

(f) Definitions.

For the purposes of this section, "State" means any of the States of the United States and the District of Columbia. (Aug. 13, 1974, Pub. L. 93-371, § 101(a), 88 Stat. 427.)

§ 60c-4. Withholding of charitable contributions from salaries disbursed by the Secretary of the Senate and from employees of the Architect of the Capitol. 251.1

(a) Definitions.

For purposes of this section, the term—

(1) "Secretary" means the Secretary of the Senate; and

(2) "Architect" means the Architect of the Capitol.

(b) Notice; deduction and transmission.

(1) The Secretary and the Architect shall notify individuals whose pay is disbursed by the Secretary or who are employees of the Architect, including employees of the Botanic Garden or the Senate Restaurants of the opportunity to have amounts withheld from their pay pursuant to this section for contribution to national voluntary health and welfare agencies designated by the Chairman of the Civil Service Commission pursuant to Executive Order 10927, dated March 18, 1961.

(2) Upon request by such an individual specifying the amount to be withheld and one Combined Federal Campaign Center in the Washington metropolitan area to receive such amount, the Secretary, the Archi-

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[1] Changed from "rule XXX" as a result of the adoption of S. Res. 274, Nov. 14, 1979, and S. Res. 389, Mar. 25, 1980, 96th Cong.

tect, or any other officer who disburses the pay of such individual, as the case may be shall—

(A) withhold such amount from the pay of such individual; and

(B) transmit (not less than once each calendar quarter) the amount so withheld to the Combined Federal Campaign Center as specified in such request.

(c) Time of withholding and transmission.

The Secretary and the Architect shall, to the extent practicable, carry out subsection (b) of this section at or about the time of the Combined Federal Campaign and other fundraising in the executive branch of the Federal Government conducted pursuant to Executive Order 10927, dated March 18, 1961, and at such other time as each such officer deems appropriate.

(d) Amount.

(1) No amount shall be withheld under subsection (b) of this section from the pay of any individual for any pay period if the amount of such pay for such period is less than the sum of—

(A) the amount specified to be withheld from such pay under subsection (b) of this section for such period; plus

(B) the amount of all other withholdings from such pay for such period.

(2) No amount may be specified by an individual to be withheld for any pay period under subsection (b) of this section which is less than—

(A) 50 cents, if the pay period of such individual is biweekly or semimonthly; or

(B) $1, if the pay period of such individual is monthly.

(e) Provisions as not imposing duty, burden, requirement or penalty upon the United States, Senate, or any officer or employee of the United States; effect of filing paper.

This section imposes no duty, burden, or requirement upon the United States, the Senate, or any officer or employee of the United States, except as specifically provided in this section. Nothing in this section shall be deemed to consent to the application of any provision of law which has the effect of subjecting the United States, the Senate, or any officer or employee of the United States to any penalty or liability by reason of the provisions of this section. Any paper, form, document, or any other item filed with the Secretary under this section is a paper of the Senate within the provisions of rule XI [1] of the Standing Rules of the Senate.

(f) Rules and regulations.

The Secretary and the Architect are authorized to issue rules and regulations they consider appropriate in carrying out their duties under this section. (Oct. 17, 1978, Pub. L. 95–470, 92 Stat. 1323.)

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[1] See footnote to sec. 251(e)..

§ 60j. Longevity compensation. 251.1-1

(a) Eligible employees.

This section shall apply to—

(1) each employee of the Senate whose compensation is paid from the appropriation for Salaries, Officers and Employees under the following headings:

(A) Office of the Secretary, including individuals employed under authority of section 74b of this title;

(B) Office of the Sergeant at Arms and Doorkeeper, except employees designated as "special employees"; and

(C) Offices of the Secretaries for the Majority and the Minority;

(2) each employee of the Senate authorized by Senate resolution to be appointed by the Secretary of the Senate or the Sergeant at Arms and Doorkeeper, except employees designated as "special employees"; and

(3) each employee of the Capitol Guide Service established under section 851 of Title 40.

(b) Rate of compensation; limitation on increases; computation of service; effective date of payment.

(1) Except as provided in paragraph (2), an employee to whom this section applies shall be paid, during any period of continuous creditable service, additional annual compensation (hereinafter referred to as "longevity compensation") at the rate of $404 for (A) each year of creditable service performed for the first five years and (B) each two years of creditable service performed during the twenty-year period following the first five years.

(2) The amount of longevity compensation which may be paid to an employee, when added to his regular annual compensation, shall not exceed the maximum annual compensation which may be paid to Senate employees generally as prescribed by law or orders of the President pro tempore issued under authority of section 60a-1 of this title.

(3) For purposes of this section—

(A) creditable service includes (i) service performed as an employee described in subsection (a) of this section, (ii) service performed as a member of the Capitol Police or as an employee of the United States Capitol Telephone Exchange while compensation therefore is disbursed by the Clerk of the House of Representatives, and (iii) service which is creditable for purposes of this section as in effect on September 30, 1978;

(B) in computing length of continuous creditable service, only creditable service performed subsequent to August 31, 1957, shall be taken into account, except that, in the case of service as an employee employed under authority of section 74b of this title, only creditable service performed subsequent to January 2, 1971, shall be taken into account; and

(C) continuity of creditable service shall not be deemed to be broken by separations from service of not more than thirty days, by the performance of service as an employee (other than an employee subject to the provisions of this section) whose compensation is disbursed by the Secretary of the Senate or the Clerk of the House of

Representatives, or by the performance of active military service in the armed forces of the United States, but periods of such separations and service shall not be creditable service.

(4) Longevity compensation shall be payable on and after the first day of the first month following completion of each period of creditable service upon which such compensation is based. (Pub. L. 87-730, § 106 (a), (b), (d), Oct. 2, 1962, 76 Stat. 694, 695, amended Pub. L. 88-454, § 104(b), Aug. 20, 1964, 78 Stat. 550; Pub. L. 90-57, Title V, § 105(g), July 28, 1967, 81 Stat. 143; Pub. L. 90-206, Title II, §§ 214(n), 225(h), Dec. 16, 1967, 81 Stat. 637, 644; Pub. L. 91-656, § 4, Jan. 8, 1971, 84 Stat. 1952; Pub. L. 93-371, § 101, Aug. 13, 1974, 88 Stat. 436; Pub. L. 95-240, Title II, § 205, Mar. 7, 1978, 92 Stat. 117; Pub. L. 95-391, Title I, § 110(a), Sept. 30, 1978, 92 Stat. 774; July 8, 1980, Pub. L. 96-304, Title I, § 107(b), 94 Stat. 890.)

251.2 § 60j-1. Same; Capitol Police.

Any member of the Capitol Police who by reason of the provision repealed by subsection (b) [1] was receiving immediately prior to the effective date [2] of this section, longevity compensation provided by section 105 of the Legislative Branch Appropriation Act, 1959,[3] shall, on and after such effective date, receive in lieu thereof a longevity increase under section 60j(b) of this title, in addition to any other such increases (not to exceed three) to which he may otherwise be entitled under such section. In computing the length of service of such member for the purpose of such other increases, only service performed subsequent to the date on which he began receiving longevity compensation in accordance with such section 105 shall be counted. (Aug. 20, 1964, Pub. L. 88-454, § 104(c), 78 Stat. 550.)

251.3 § 60j-2. Longevity compensation for telephone operators on United States telephone exchange and members of Capitol Police whose compensation is disbursed by Clerk of House of Representatives.

The provisions of subsections (a) and (b) of section 60j of this title (as amended by section 110 of Pub. L. 95-391), shall apply to telephone operators (including the chief operator and assistant chief operators) on the United States Capitol telephone exchange and members of the Capitol Police whose compensation is disbursed by the Clerk of the House of Representatives in the same manner and to the same extent as such provisions apply to individuals whose compensation is disbursed by the Secretary of the Senate. For purposes of so applying such subsections, creditable service shall include service performed as an employee of the United States Capitol telephone exchange or a member of the Capitol Police whether compensation therefor is disbursed by the Clerk of the House of Representatives or the Secretary of the Senate. (Pub. L. 95-391, Title III, § 310, Sept. 30, 1978, 92 Stat. 790.)

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[1] Refers to second sentence of section 106(d) of Legislative Branch Appropriation Act, 1963, repealed by section 104(b) of Legislative Branch Appropriation Act, 1965.

[2] Section became effective September 1, 1964.

[3] Section 105 of Legislative Branch Appropriation Act, 1959, repealed by section 106(d) of Legislative Branch Appropriation Act, 1963.

§ 60j-3. Merit compensation. Repealed. Pub. L. 97-276, § 101(e), Oct. 2, 1982, 96 Stat. 1189. 251.4

§ 60j-4. Merit compensation. 251.5

Subsections (a) and (b) of section 106 of the Legislative Branch Appropriation Act, 1963 (2 U.S.C. 60j) on or after October 1, 1983 shall not apply to any individual whose pay is disbursed by the Secretary of the Senate; except that, any individual who prior to such date was entitled to longevity compensation under such subsections on the basis of service performed prior to such date shall continue to be entitled to such compensation, but no individual shall accrue any longevity compensation on the basis of service performed on or after such date. (July 14, 1983, Pub. L. 98-51, sec. 107, 97 Stat. 267.)

§ 61. Limit on rate of compensation of officers and employees of Senate. 252

No officer or employee of the Senate shall receive pay for any services performed by him at any rate higher than that provided for the office or employment to which he has been regularly appointed. (Aug. 5, 1882, ch. 390, § 1, 22 Stat. 270.)

§ 61-1. Gross rate of compensation of employees paid by Secretary of Senate. 252.1

(a) Annual rate; certification. 252.2

(1) Whenever the rate of compensation of any employee whose compensation is disbursed by the Secretary of the Senate is fixed or adjusted on or after October 1, 1980, such rate as so fixed or adjusted shall be at a single whole dollar per annum gross rate and may not include a fractional part of a dollar.[1]

(2) New or changed rates of compensation (other than changes in rates which are made by law) of any such employee (other than an employee who is an elected officer of the Senate) shall be certified in writing to the Disbursing Office of the Senate (and, for purposes of this paragraph, a new rate of compensation refers to compensation in the case of an appointment, transfer from one Senate appointing authority to another, or promotion by an appointing authority to a position the compensation for which is fixed by law). In the case of an appointment or other new rate of compensation the certification must be received by such office on or before the day the rate of new compensation is to become effective. In any other case, the changed rate of compensation shall take effect on the first day of the month in which such certification is received (if such certification is received within the first ten days of such month), on the first day of the month after the month in which such certification is received (if the day on which such certification is received is after the twenty-fifth day of the month in which it is received), and on the sixteenth day of the month in which such certification is received (if such certification is received after the tenth day and before the twenty-sixth day of such month). Notwithstanding the preceding sentence, if the certification for a changed rate of compensation for an employee speci-

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[1] As modified by the Order of the President pro tempore of the Senate issued on October 5, 1981, effective October 1, 1981, under authority of section 4 of the Federal Pay Comparability Act of 1970.

fies an effective date of such change, such change shall become effective on the date so specified, but only if the date so specified is the first or sixteenth day of a month and is after the effective date prescribed in the preceding sentence; and, notwithstanding such sentence and the preceding provisions of this sentence, any changed rate of compensation for a new employee or an employee transferred from one appointing authority to another shall take effect on the date of such employee's appointment or transfer (as the case may be) if such date is later than the effective date for such changed rate of compensation as prescribed by such sentence. (Pub. L. 98-181, sec. 1203.)

252.3 **(b) Conversion increase in computation.**

NOTE.—This subsection has been executed.

252.4 **(c) Reference in other provisions to basic rates and additional compensation.**

In any case in which the rate of compensation of any employee or position, or class of employees or positions, the compensation for which is disbursed by the Secretary of the Senate, or any maximum or minimum rate with respect to any such employee, position, or class, is referred to in or provided by statute or Senate resolution, and the rate so referred to or provided is a basic rate with respect to which additional compensation is provided by law, such statutory provision or resolution shall be deemed to refer, in lieu of such basic rate, to the per annum gross rate which an employee receiving such basic rate immediately prior to August 1, 1967, would receive (without regard to such statutory provision or resolution) under subsection (b) of this section on and after such date.

252.5 **(d) Compensation of employees in office of Senator.**

NOTE

This subsection sets forth the maximum and minimum salaries which may be paid to employees in the office of a Senator. These figures are changed annually by Orders of the President pro tempore of the Senate issued under authority of section 4 of the Federal Pay Comparability Act of 1970. For the current figures consult the Senate Disbursing Office.

NOTE

Each Member of the Senate is authorized by section 111(c) of the Legislative Branch Appropriation Act, 1978 (Pub. Law 95-94, 91 Stat. 662-663, Aug. 5, 1977), to designate employees in his office to assist him in connection with his membership on committees of the Senate. With certain exceptions, an employee so designated is to be accorded all privileges of a professional staff member of the committee to which designated. The text of section 111(c) is as follows:

(c)(1) A Senator may designate employees in his office to assist him in connection with his membership on committees of the Senate. An employee may be designated with respect to only one committee.

(2) An employee designated by a Senator under this subsection shall be certified by him to the chairman and ranking minority member of the committee with respect to which such designation is made. Such employee shall be accorded all privileges of a professional staff member (whether permanent or investigatory) of such committee including access to all committee sessions and files, except that any such committee may restrict access to its sessions to one staff member per Senator at a time and require, if classified material is being handled or discussed, that any staff member possess the appropriate security clearance before being allowed access to such material or to discussion of it. Nothing contained in this paragraph shall be construed to prohibit a committee from adopting policies and practices with respect to the application of this subsection which are similar to the policies and practices

adopted with respect to the application of section 705(c)(1) of Senate Resolution 4, 95th Congress, and section 106(c)(1) of the Supplemental Appropriations Act, 1977.

(3) A Senator shall notify the chairman and ranking minority member of a committee whenever a designation of an employee under this subsection with respect to such committee is terminated.

SEC. 111(a) provides for an amount to be added to each Senator's Official Personnel and Expense Account for compensation of committee-related employees authorized under subsection (c). This amount is subject to change annually by Orders of the President pro tempore of the Senate issued under authority of section 4 of the Federal Pay Comparability Act of 1970. For the current figure consult the Senate Disbursing Office.

SEC. 111(b) repealed, effective the first day of the 100th Congress. (Oct. 21, 1987, § 3, Pub. L. 100-137, 101 Stat. 819.)

(e) Compensation of committee staff members. 252.6

NOTE

This subsection sets forth the maximum salaries which may be paid to committee employees. These figures are changed annually by Orders of the President pro tempore of the Senate issued under authority of section 4 of the Federal Pay Comparability Act of 1970. For the current figures consult the Senate Disbursing Office.

(f) General limitation. 252.7

NOTE

This subsection sets forth the maximum and minimum salaries which may be paid to Senate employees (other than committee employees, employees in a Senator's office, and employees serving in a position the salary of which is prescribed by law). These figures are changed annually by Orders of the President pro tempore of the Senate issued under authority of section 4 of the Federal Pay Comparability Act of 1970. For the current figures consult the Senate Disbursing Office.

(g) Capitol telephone operators and police. 252.8

The rate of compensation of each telephone operator on the United States Capitol telephone exchange and each member of the Capitol Police, whose compensation is disbursed by the Clerk of the House of Representatives shall be converted to a gross rate in accordance with the provisions of this section. (Pub. L. 90-57, § 105 (a)-(f), (j), July 28, 1967, 81 Stat. 141-144, amended Pub. L. 90-206, Title II, § 214(j)-(l), Dec. 16, 1967, 81 Stat. 637; Pub. L. 91-145, § 101, Dec. 12, 1969, 83 Stat. 340; Pub. L. 91-510, Title III, § 305, Oct. 26, 1970, 84 Stat. 1181; Pub. L. 91-656, § 4, Jan. 8, 1971, 84 Stat. 1952; Pub. L. 92-184, Ch. IV, § 401, Dec. 15, 1971, 85 Stat. 633; Pub. L. 92-607, Ch. V, § 505, Oct. 31, 1972, 86 Stat. 1505; Pub. L. 93-145, § 101, Nov. 1, 1973, 87 Stat. 532; Pub. L. 93-245, Ch. VI, § 601, Jan. 3, 1974, 87 Stat. 1078; Pub. L. 93-255, § 1, Mar. 27, 1974, 88 Stat. 52; Pub. L. 93-371, § 101(6), Aug. 13, 1974, 88 Stat. 430; Pub. L. 94-59, Title I, § 102, July 25, 1975, 89 Stat. 274; Pub. L. 94-440, Title I, § 101(a), Oct. 1, 1976, 90 Stat. 1443; Pub. L. 95-94, Title I, § 111(d), Aug. 5, 1977, 91 Stat. 63; modified by Orders of the President pro tempore of the Senate issued under authority of section 4 of the Federal Pay Comparability Act of 1970; July 8, 1980, Pub. L. 96-304, Title I, § 107(a), 94 Stat. 890.)

§ 61-1a. Availability of appropriated funds for payment to an individual of pay from more than one position; conditions. 252.9

Notwithstanding any other provision of law, appropriated funds are available for payment to an individual of pay from more than one position, each of which is either in the office of a Senator and the pay of which is disbursed by the Secretary of the Senate or is in another office and the pay of which is disbursed by the Secretary of the Senate out of an appropriation under the heading "SALARIES, OFFICERS AND EMPLOYEES", if the aggregate gross pay from those positions does not exceed the maximum rate specified in section 105(d)(2) of the Legislative Appropriations Act of 1968, as amended and modified. (Pub. L. 95-94, Title I, § 114, Aug. 5, 1977, 91 Stat. 665; Pub. L. 95-240, Title II, § 207, Mar. 7, 1978, 92 Stat. 117; Pub. L. 100-202, § 9, Dec. 22, 1987, 101 Stat. 1329-295.)

253 § 61a. Compensation of Secretary of the Senate.

NOTE

Pursuant to Orders of the President pro tempore of the Senate issued under authority of section 4 of the Federal Pay Comparability Act of 1970, the annual rate of compensation of the Secretary of the Senate is the same as level III of the Executive Schedule (5 U.S.C. § 5314), but may not be more than $1,000 less than the annual rate of compensation of a Senator.

254.8 § 61a-9. Advancement by Secretary of the Senate of travel funds to employees under his jurisdiction for Federal Election Campaign Act travel expenses.

The Secretary of the Senate is hereafter authorized to advance, in his discretion, to any designated employee under his jurisdiction, such sums as may be necessary, not exceeding $1,500, to defray official travel expenses in assisting the Secretary in carrying out his duties under the Federal Election Campaign Act of 1971. Any such employee shall, as soon as practicable, furnish to the Secretary a detailed voucher for such expenses incurred and make settlement with respect to any amount so advanced. (Oct. 31, 1972, Pub. L. 92-607, § 504, 86 Stat. 1505.)

254.9 § 61a-9a. Travel expenses of Secretary of Senate; advancement of travel funds to designated employees.

For the purpose of carrying out his duties, the Secretary of the Senate is authorized to incur official travel expenses but such expenditures shall not exceed $10,000 during any fiscal year. The Secretary of the Senate is authorized to advance, in his discretion, to any designated employee under his jurisdiction, such sums as may be necessary, not exceeding $1,000, to defray official travel expenses in assisting the Secretary in carrying out his duties. Any such employee shall, as soon as practicable, furnish to the Secretary a detailed voucher for such expenses incurred and make settlement with respect to any amount so advanced. Payments to carry out the provisions of this section shall be made from funds included in the appropriation "Miscellaneous Items" under the heading "Contingent Expenses of the Senate" upon vouchers approved by the Secretary of the Senate. (July 25, 1975, Pub. L. 94-59, § 101, 89 Stat. 273; Aug. 5, 1977, Pub. L. 95-94, Title I, § 106, 91 Stat. 661; Sept. 8, 1978, Pub. L. 95-355, Title I, § 101, 92 Stat. 533; June 5, 1981, Pub. L. 97-12, § 102, 95 Stat. 61.)

255 § 61a-11. Certain positions abolished in the Office of the Secretary of the Senate; conditions.

Effective October 1, 1981, all statutory positions in the Office of the Secretary (other than the positions of the Secretary of the Senate, Assistant Secretary of the Senate, Parliamentarian, Financial Clerk, and Director of the Office of Classified National Security Information) are abolished, and in lieu of the positions hereby abolished the Secretary of the Senate is authorized to establish such number of positions as he deems appropriate and appoint and fix the compensation of employees to fill the positions so established; except that the annual rate of compensation payable to any employee appointed to fill any position established by the Secretary of the Senate shall not, for any period of time, be in excess of $1,000 less than the annual rate of compensation of the Secretary of the Senate for that period of time; and except that nothing in this section shall be construed to affect any position authorized by statute, if the compensation for such position is to be paid from the contingent fund of the Senate.

§ 61c-1. Adjustment of rate of compensation by Secretary of the Senate. 255.3

Any specific rate of compensation established by law, as such rate has been increased or may hereafter be increased by or pursuant to law, for any position under the jurisdiction of the Secretary shall be considered as the maximum rate of compensation for that position, and the Secretary is authorized to adjust the rate of compensation of an individual occupying any such position to a rate not exceeding such maximum rate. (Aug. 18, 1970, Pub. L. 91-382, § 101, 84 Stat. 808.)

§ 61d. Compensation of the Chaplain of the Senate. 256

Effective with respect to pay periods beginning on or after December 22, 1987, the Chaplain of the Senate shall be compensated at a rate equal to the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of Title 5. (Dec. 22, 1987, Pub. L. 100-202, § 2(a), 101 Stat. 1329-294.)

§ 61d-1. Compensation of the Secretary to the Chaplain of the Senate. 256.1

The Chaplain of the Senate may appoint and fix the compensation of a secretary. (Pub. L. 91-145, Dec. 12, 1969, 83 Stat. 340; Pub. L. 93-371, § 101, Aug. 13, 1974, 88 Stat. 424; Pub. L. 96-38, Title I, § 103, July 25, 1979, 93 Stat. 112; Pub. L. 100-202, § 101(i) [Title I, § 2(b)], Dec. 22, 1987, 101 Stat. 1329-294; Dec. 22, 1987, Pub. L. 100-202, § 2(b), 101 Stat. 1329-294.)

§ 61d-2. Chaplain of the Senate: Secretary of the Senate to furnish postage stamps. 256.5

The Secretary of the Senate is authorized and directed to procure and furnish each fiscal year (commencing with the fiscal year ending September 30, 1982) to the Chaplain of the Senate, upon the request of the Chaplain of the Senate, United States postage stamps in such amounts as may be necessary for the mailing of postal matters arising in connection with his official business. (June 1, 1976, Pub. L. 94-303, Title I, § 114, 90 Stat. 614; Oct. 1, 1981, Pub. L. 97-51, § 127, 95 Stat. 966.)

§ 61e. Compensation of Sergeant at Arms and Doorkeeper of the Senate. 257

NOTE

Pursuant to Orders of the President pro tempore of the Senate issued under authority of section 4 of the Federal Pay Comparability Act of 1970, the annual rate of compensation of the Sergeant at Arms and Doorkeeper of the Senate is the same as level III of the Executive Schedule (5 U.S.C. § 5314), but may not be more than $1,000 less than the annual rate of compensation of a Senator.

257.5 § 61e-3. Death, resignation, or disability of Sergeant at Arms and Doorkeeper of the Senate; Deputy Sergeant at Arms and Doorkeeper deemed acting.

In the event of the death, resignation, or disability of the Sergeant at Arms and Doorkeeper of the Senate, the Deputy Sergeant at Arms and Doorkeeper shall act as Sergeant at Arms and Doorkeeper of the Senate in carrying out the duties and responsibilities of that office in all matters until such time as a new Sergeant at Arms and Doorkeeper of the Senate shall have been elected and qualified or such disability shall have been ended. For purposes of this section, the Sergeant at Arms and Doorkeeper of the Senate shall be considered as disabled only during such period of time as the Majority and Minority Leaders and the President Pro Tempore of the Senate certify jointly to the Senate that the Sergeant at Arms and Doorkeeper of the Senate is unable to perform his duties. In the event that the Sergeant at Arms and Doorkeeper of the Senate is absent, the Deputy Sergeant at Arms and Doorkeeper shall act during such absence as the Sergeant at Arms and Doorkeeper of the Senate in carrying out the duties and responsibilities of the office in all matters. (Oct. 1, 1981, Pub. L. 97-51, § 128, 95 Stat. 966.)

258 § 61f-1a. Travel expenses of Sergeant at Arms and Doorkeeper of the Senate.

For the purpose of carrying out his duties, the Sergeant at Arms and Doorkeeper of the Senate is authorized to incur official travel expenses not to exceed $250,000 during any fiscal year. With the approval of the Sergeant at Arms and Doorkeeper, the Secretary of the Senate is authorized to advance to any designated employee under the jurisdiction of the Sergeant at Arms and Doorkeeper such sums as may be necessary, not exceeding $1,000, to defray official travel expenses in assisting the Sergeant at Arms and Doorkeeper in carrying out his duties. Any such employee shall, as soon as practicable, furnish to the Sergeant at Arms and Doorkeeper a detailed voucher for such expenses incurred and make settlement with respect to any amount so advanced. For purposes of this section, official travel expenses includes travel expenses incurred in connection with training of employees only if the training has been approved by the Committee on Rules and Administration of the Senate. Payments under this section shall be made from funds included in the appropriation "Miscellaneous Items" under the heading "Contingent Expenses of the Senate" upon vouchers approved by the Sergeant at Arms and Doorkeeper. (June 1, 1976, Pub. L. 94-303, Title I, § 117, 90 Stat. 615; Sept. 30, 1978, Pub. L. 95-391, Title I, § 106, 92 Stat. 772; Oct. 12, 1979, Pub. L. 96-86; § 111(c), 93 Stat. 661; June 5, 1981, Pub. L. 97-12, § 108, 95 Stat. 62; Oct. 1, 1988, Pub. L. 100-458, § 6, 102 Stat. 2161, 2162.)

258.5 § 61f-7. Certain positions abolished in the Office of the Sergeant at Arms and Doorkeeper of the Senate; conditions.

Effective October 1, 1981, all statutory positions in the Office of the Sergeant at Arms and Doorkeeper of the Senate (other than the positions of the Sergeant at Arms and Doorkeeper of the Senate, Deputy Sergeant at Arms and Doorkeeper, and Administrative Assistant) are abolished, and in lieu of the positions hereby abolished the Sergeant at Arms and

Doorkeeper of the Senate is authorized to establish such number of positions as he deems appropriate and appoint and fix the compensation of employees to fill the positions so established; except that the annual rate of compensation payable to any employee appointed to fill any position established by the Sergeant at Arms and Doorkeeper of the Senate shall not, for any period of time, be in excess of $1,000 less than the annual rate of compensation of the Sergeant at Arms and Doorkeeper of the Senate for that period of time; and except that nothing in this section shall be construed to affect any position authorized by statute, if the compensation for such position is to be paid from the contingent fund of the Senate. (Oct. 1, 1981, Pub. L. 97-51, § 116, 95 Stat. 963.)

§ 61f-8. Sergeant at Arms and Doorkeeper of the Senate; procurement of consultants; detailed agency personnel. 259

For each fiscal year (beginning with the fiscal year which ends September 30, 1982), the Sergeant at Arms and Doorkeeper of the Senate is hereby authorized to expend from the account for the Sergeant at Arms and Doorkeeper of the Senate, within the contingent fund of the Senate, an amount not to exceed $300,000 for:

(1) the procurement of individual consultants, on a temporary or intermittent basis, at a daily rate of compensation not in excess of the per diem equivalent of the highest gross rate of annual compensation which may be paid to employees of a standing committee of the Senate with the prior consent of the Committee on Rules and Administration; and

(2) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable basis (with reimbursement payable at the end of each calendar quarter for services rendered during such quarter) of the services of personnel of any such department or agency.

Payments made under this section shall be made upon vouchers approved by the Sergeant at Arms and Doorkeeper of the Senate. (Oct. 1, 1981, Pub. L. 97-51, § 117, 95 Stat. 964; Pub. L. 97-257, Title I, sec. 103, Sept. 10, 1982, 96 Stat. 849; Oct. 1, 1988, Pub. L. 100-458, § 7, 102 Stat. 2162.)

§ 61g-6. Conferences of the Majority and the Minority; authorization of expenditures. 260

For each fiscal year (beginning with the fiscal year which ends September 30, 1982) there is authorized to be expended from the contingent fund of the Senate an amount, not in excess of $40,000, for the Conference of the Majority and an equal amount for the Conference of the Minority. Payments under this section shall be made only for expenses actually incurred by such a Conference in carrying out its functions, and shall be made upon certification and documentation of the expenses involved, by the Chairman of the Conference claiming payment hereunder and upon vouchers approved by such Chairman and by the Committee on Rules and Administration, except that vouchers shall not be required for payment of long-distance telephone calls. (Oct. 1, 1981, Pub. L. 97-51, § 120, 95 Stat. 965; Pub. L. 97-276, Oct. 2, 1982, sec. 101(e), 96 Stat. 1189; Nov. 14, 1985, Pub. L. 99-151, § 1, 99 Stat. 794.)

NOTE

Section 3 of Chapter 18 of title I of Public Law 99-349 (100 Stat 742; July 2, 1986) provides:

SEC. 3. The Chairman of the Majority or Minority Conference Committee of the Senate may, during the fiscal year ending September 30, 1986, at his election, transfer not more than $30,000 from the appropriation account for salaries for the Conference of the Majority and the Conference of the Minority of the Senate, to the account, within the contingent fund of the Senate, from which expenses are payable under section 120 of Public Law 97-51 (2 U.S.C. 61g-6). Any transfer of funds under authority of the preceding sentence shall be made at such time or times as such chairman shall specify in writing to the Senate Disbursing Office. Any funds so transferred by the chairman of the Majority or Minority Conference Committee shall be available for expenditure by such committee in like manner and for the same purposes as are other moneys which are available for expenditure by such committee from the account, within the contingent fund of the Senate, from which expenses are payable under section 120 of Public Law 97-51 (2 U.S.C. 61g-6).

260.1 § 61g-7. Services of consultants to Majority or Minority Conference Committee of the Senate.

(a) Authorization of expenditure with approval of Committee on Rules and Administration.

Funds authorized to be expended under section 61g-6 of this title may be used by the Majority or Minority Conference Committee of the Senate, with the approval of the Committee on Rules and Administration, to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, to make studies or advise the committee with respect to any matter within its jurisdiction.

(b) Contracts.

Such services in the case of individuals or organizations may be procured by contract as independent contractors, or in the case of individuals, by employment at daily rates of compensation not in excess of the per diem equivalent of the highest gross rate of compensation which may be paid to a regular employee of such committee. Such contracts shall not be subject to the provisions of section 5 of Title 41 or any other provision of law requiring advertising.

(c) Selection of consultants and organizations by Conference Committee chairman.

Any such consultant or organization shall be selected for the Majority or Minority Conference Committee of the Senate by the chairman thereof. (Aug. 15, 1985, Pub. L. 99-88, Title I, § 195, 99 Stat. 349.)

260.1a § 61g-8. Utilization of funds for specialized training of professional staff for Majority and Minority Conference Committee of the Senate.

From funds appropriated to the Conference of the Majority and from funds appropriated to the Conference of the Minority for any fiscal year, such Conference may utilize such amounts as it deems appropriate for the specialized training of professional staff, subject to such limitations, insofar as they are applicable, as are imposed by the Committee on Rules and Administration with respect to such training when provided to professional staff of standing committees of the Senate. (Dec. 22, 1987, Pub. L. 100-202, § 101(i) [Title I], 101 Stat. 1329-292.)

§61h-4. Appointment of employees by Majority and Minority Leaders of Senate; compensation. 260.2

Effective April 1, 1977, the Majority Leader and the Minority Leader are each authorized to appoint and fix the compensation of such employees as they deem appropriate: *Provided*, That the gross compensation paid to such employees shall not exceed $191,700 each fiscal year for each Leader. (May, 1977, Pub. L. 95-26, Title I, §100, 91 Stat. 80.)

NOTE

S. Res. 89, 100-1, Jan. 28, 1987, established within the offices of Majority and Minority Leaders the positions of chief of staff for the Majority Leader and chief of staff for the Minority Leader. Rate of compensation shall be fixed by the appropriate leader, not to exceed the maximum annual rate of gross compensation of the Assistant Secretary of the Senate.

§61h-5. Assistant to Majority Leader of Senate for Floor Operations and Assistant to Minority Leader of Senate for Floor Operations; compensation. 260.3

Effective October 1, 1983, there is established within the Offices of the Majority and Minority Leaders the positions of Assistant to the Majority Leader for Floor Operations and Assistant to the Minority Leader for Floor Operations, respectively. Individuals appointed to such positions by the Majority Leader and Minority Leader, respectively, shall receive compensation at a rate fixed by the appropriate Leader not to exceed the maximum annual rate of gross compensation of the Assistant Secretary of the Senate. (July 14, 1983, Pub. L. 95-26, Title I, §101(a), 97 Stat. 265.)

§61h-6. Appointment of consultants by Majority Leader, Minority Leader, and Secretary of the Senate; compensation. 260.4

Effective April 1, 1977, the President pro tempore, Majority Leader and the Secretary of the Senate are each authorized to appoint and fix the compensation of not more than two individual consultants, on a temporary or intermittent basis, at a daily rate of compensation not in excess of the per diem equivalent of the highest gross rate of annual compensation which may be paid to employees of a standing committee of the Senate. The Minority Leader of the Senate is authorized to appoint and fix the compensation of not more than four individual consultants, on a temporary or intermittent basis, at a daily rate of compensation not in excess of that specified in the preceding sentence. The provisions of section 8344 of Title 5 shall not apply to any individual serving in a position under this authority. Expenditures under this authority shall be paid from the contingent fund of the Senate upon vouchers approved by the President pro tempore, Majority Leader, Minority Leader, and Secretary of the Senate respectively. (May 4, 1977, Pub. L. 95-26, Title I, §101, May 4, 1977, 91 Stat. 82; Oct. 1, 1988, Pub. L. 100-458, §4, 9, 102 Stat. 2161, 2162.)

§61j-2. Compensation and appointment of employees by Majority and Minority Whips of Senate. 260.5

Effective April 1, 1977, the Majority Whip and the Minority Whip are each authorized to appoint and fix the compensation of such employees as they deem appropriate: *Provided*, That the gross compensation paid to such employees shall not exceed $111,100 each fiscal year for each Whip. (May 4, 1977, Pub. L. 95-26, Title I, §100, 91 Stat. 80.)

260.6 **§ 61k. Appointment and compensation of employees by President pro tempore of Senate.**

Effective October 1, 1979, the President pro tempore is authorized to appoint and fix the compensation of such employees as he deems appropriate: *Provided,* That the gross compensation paid to such employees shall not exceed $123,000 each fiscal year. (July 25, 1979, Pub. L. 96-38, Title I, § 101, 93 Stat. 111.)

260.7 **§ 61*l*. Appointment and compensation of Administrative Assistant, Legislative Assistant, and Executive Secretary for Deputy President pro tempore of Senate.**

Effective April 1, 1977, the Deputy President pro tempore is authorized to appoint and fix the compensation of an Administrative Assistant at not to exceed $47,595 per annum; a Legislative Assistant at not to exceed $40,080 per annum, and an Executive Secretary at not to exceed $23,380 per annum. (May 4, 1977, Pub. L. 95-26, Title I, § 100, 91 Stat. 80.)

261 **§ 62. Limitation on compensation of Sergeant at Arms and Doorkeeper of Senate.**

The Sergeant at Arms and Doorkeeper of the Senate shall receive, directly or indirectly, no fees or other compensation or emolument whatever for performing the duties of the office, or in connection therewith, other than the salary prescribed by law. (June 20, 1874, ch. 328, § 1, 18 Stat. 85; Mar. 3, 1875, ch. 129, § 1, 18 Stat. 344.)

262 **§ 63. Duties of Senate Doorkeeper.**

The Doorkeeper of the Senate shall perform the usual services pertaining to his office during the session of Congress, and shall in the recess, under the direction of the Secretary of the Senate, take care of the apartments occupied by the Senate. (R.S. § 73.)

263 **§ 64. Secretary of Senate a disbursing officer.**

The moneys which may be appropriated for the compensation of Members and officers, and for the contingent expenses of the Senate, shall be paid at the Treasury, on requisitions drawn by the Secretary of the Senate, and shall be kept, disbursed, and accounted for by him according to law, and the Secretary shall be deemed a disbursing officer. (R.S. § 56.)

263.1 **§ 64-1. Employees of Senate Disbursing Office, designation by Secretary of the Senate to administer oaths and affirmations.**

The Secretary of the Senate is, on and after November 1, 1973, authorized to designate, in writing, employees of the Disbursing Office of the Senate to administer oaths and affirmations, with respect to matters relating to that Office, authorized or required by law or rules or orders of the Senate (including the oath of office required by section 3331 of title 5, United States Code). During any period in which he is so designated, any such employee may administer such oaths and affirmations. (Nov. 1, 1973, Pub. L. 93-145, § 101, 87 Stat. 532.)

263.2 **§ 64-2. Transfers of funds by Secretary of Senate; approval of Committee on Appropriations.**

Hereafter, the Secretary of the Senate is authorized to make such transfers between appropriations or funds available for disbursement by him for a fiscal year as may be approved by a resolution of the Senate (reported by the Committee on Appropriations of the Senate), and, to the extent necessary, to reimburse, out of funds thereafter made available for disbursement by him for such fiscal year, any appropriation or fund for any amount so transferred from it. (May 4, 1977, Pub. L. 95-26, Title I, § 108, 91 Stat. 85.)

NOTE

Section 113 of Pub. L. 97-51 provided "Hereafter, the Secretary of the Senate as Disbursing Officer of the Senate is authorized to make such transfers between appropriations of funds available for disbursement by him for fiscal year 1982, as he deems appropriate, subject to the customary reprogramming procedures of the Committee on Appropriations of the Senate."

NOTE

During any fiscal year (commencing with the fiscal year beginning October 1, 1982) the Secretary of the Senate is authorized to make such transfers between appropriations of funds available for disbursement by him during such year, subject to the approval of the Committee on Appropriations of the Senate. (Pub. L. 97-276, sec. 101(e), Oct. 2, 1982, 96 Stat. 1189.)

§ 64-3. Reimbursement for United States Capitol Police salaries paid by Senate for service at Federal Law Enforcement Training Center. 263.3

Notwithstanding any other provision of law, the Secretary of the Senate is authorized to receive moneys from the Department of the Treasury as reimbursements for salaries paid by the United States Senate in connection with certain officers and members of the United States Capitol Police serving as instructors at the Federal Law Enforcement Training Center. Moneys so received shall be deposited in the Treasury of the United States as miscellaneous receipts. (May 4, 1977, Pub. L. 95-26, Title I, § 111, 91 Stat. 87.)

§ 64a. Death, resignation, or disability of Secretary of Senate; Financial Clerk deemed successor as disbursing officer. 264

In the event of the death, resignation, or disability of the Secretary of the Senate, the Financial Clerk of the Senate shall be deemed his successor as a disbursing officer and he shall serve as such disbursing officer until the end of the quarterly period during which a new Secretary shall have been elected and qualified, or such disability shall have been ended. (Mar. 3, 1926, ch. 44, § 1, 44 Stat. 162; Oct. 31, 1969, Pub. L. 91-105, § 2, 83 Stat. 169; Aug. 18, 1970, Pub. L. 91-382, § 101, 84 Stat. 810; June 6, 1972, Pub. L. 92-310, § 220(g), 86 Stat. 204.)

§ 64b. Same; Assistant Secretary of the Senate to act as Secretary in all matters except those of disbursing officer. 265

In the event of the death, resignation, or disability of the Secretary of the Senate, the Assistant Secretary of the Senate shall act as Secretary in carrying out the duties and responsibilities of that office in all matters, except those matters relating to the Secretary's duties as disbursing officer of the Senate, until such time as a new Secretary shall have been elected and qualified or such disability shall have been ended. For purposes of this section and section 64a of this title, the Secretary of the Senate shall be considered as disabled only during such period of time as the Majority and Minority Leaders and the President pro tempore of the Senate certify jointly to the Senate that the Secretary is unable to

perform his duties. In the event that the Secretary of the Senate is absent or is to be absent for reasons other than disability (as provided in this paragraph), and makes a written designation that he is or will be so absent, the Assistant Secretary shall act during such absence as the Secretary in carrying out the duties and responsibilities of the office in all matters, except those matters relating to the Secretary's duties as such disbursing officer. The designation may be revoked in writing at any time by the Secretary, and is revoked whenever the Secretary making the designation dies, resigns, or is considered disabled in accordance with this paragraph. (Dec. 15, 1971, Pub. L. 92-184, § 401, 85 Stat. 635; amended Aug. 13, 1974, Pub. L. 93-371, § 101(1), 88 Stat. 427.)

266 § 65a. Insurance of office funds of Secretary of the Senate and Sergeant at Arms; payment of premiums.

The Secretary of the Senate and the Sergeant at Arms on and after June 27, 1956, are authorized and directed to protect the funds of their respective offices by purchasing insurance in an amount necessary to protect said funds against loss. Premiums on such insurance shall be paid out of the contingent fund of the Senate, upon vouchers approved by the chairman of the Committee on Rules and Administration. (June 27, 1956, ch. 453, 70 Stat. 360.)

267 § 65b. Advances to Sergeant at Arms of the Senate for extraordinary expenses.

The Secretary of the Senate is on and after July 31, 1958, authorized, in his discretion, to advance to the Sergeant at Arms of the Senate such sums as may be necessary, not exceeding $4,000, to meet any extraordinary expenses of the Senate. (July 31, 1958, Pub. L. 85-570, 72 Stat. 442; Oct. 1, 1976, Pub. L. 94-440, § 108, 90 Stat. 1445; May 4, 1977, Pub. L. 95-26, § 104, 91 Stat. 82.)

267.1 § 65c. Expense Allowance for the Secretary of the Senate, Sergeant at Arms and Doorkeeper of the Senate, and Secretaries for the Majority and for the Minority of the Senate.

(a) Notwithstanding any other provision of law, there is hereby established an account, within the Senate, to be known as the "Expense Allowance for the Secretary of the Senate, Sergeant at Arms and Doorkeeper of the Senate and Secretaries for the Majority and for the Minority of the Senate" (hereinafter in this section referred to as the "Expense Allowance"). For each fiscal year (commencing with the fiscal year ending September 30, 1981) there shall be available for the Expense Allowance an expense allotment not to exceed $3,000 for each of the above specified officers. Amounts paid from the expense allotment of any such officer shall be paid to him only as reimbursement for actual expenses incurred by him and upon certification and documentation by him of such expenses. Amounts paid to any such officer pursuant to this section shall not be reported as income and shall not be allowed as a deduction under title 26.

(b) For the fiscal year ending September 30, 1981, and the succeeding fiscal year, the Secretary of the Senate shall transfer, for each such year, $8,000 to the Expense Allowance from "Miscellaneous Items" in the contingent fund of the Senate. For the fiscal year ending September 30, 1983, and for each fiscal year thereafter, there are authorized to be appropriated to the Expense Allowance such funds as may be necessary to carry out the provisions of subsection (a) of this section. (Pub. L. 97-51, sec. 119, Oct. 1, 1981, 95 Stat. 964; amended Pub. L. 98-63, July 29, 1983, 97 Stat. 334.)

§ 65d. Office Expenses of the Sergeant at Arms and Doorkeeper of the Senate: Advancement of Funds; Effective Date. 267.2

From funds available for any fiscal year (commencing with the fiscal year ending September 30, 1984), the Secretary of the Senate shall advance to the Sergeant at Arms and Doorkeeper of the Senate for the purpose of defraying office expenses such sums (for which the Sergeant at Arms and Doorkeeper shall be accountable) not in excess of $1,000 at any one time, as such Sergeant at Arms shall from time to time request; except that the aggregate of the sums so advanced during the fiscal year shall not exceed $10,000.

In accordance with the provisions of this section, a detailed voucher shall be submitted to the Secretary of the Senate by such Sergeant at Arms whenever necessary, in order to replenish funds expended. (Pub. L. 98-51, sec. 104, July 14, 1983, 97 Stat. 226.)

§ 65f. Funds for Secretary of the Senate to assist in proper discharge within United States of responsibilities to foreign parliamentary groups or other foreign officials. 267.3

(a) The Secretary of the Senate is authorized to use any available funds (but not in excess of $25,000 for any fiscal year), out of the appropriation account (within the Contingent Fund of the Senate) for the Secretary of the Senate, to assist him in the proper discharge, within the United States, of his appropriate responsibilities to members of foreign parliamentary groups or other foreign officials.

(b) The provisions of subsection (a) shall be effective in the case of expenditures for fiscal years ending after September 30, 1986. (July 11, 1987, Pub. L. 100-71, § 2, Title I, 101 Stat. 423.)

§ 66a. Restriction on payment of dual compensation by Secretary of the Senate. 268

Unless otherwise specifically authorized by law, no part of any appropriation disbursed by the Secretary of the Senate shall be available for payment of compensation to any person holding any position, for any period for which such person received compensation for holding any other position, the compensation for which is disbursed by the Secretary of the Senate. (June 27, 1956, ch. 453, 70 Stat. 360.)

CROSS REFERENCE

See section 5533(c) of title 5, United States Code (Senate Manual section **433.1**).

§ 67. Clerks to Senators-elect. 269

A Senator entitled to receive his own salary may appoint the usual clerical assistants allowed Senators. (June 19, 1934, ch. 648, § 1, 48 Stat. 1022.)

§ 68. Payments from contingent fund of Senate. 270

No payment shall be made from the contingent fund of the Senate unless sanctioned by the Committee on Rules and Administration of the

Senate. Payments made upon vouchers or abstracts of disbursements of salaries approved by said Committee shall be deemed, held, and taken, and are declared to be conclusive upon all the departments and officers of the Government: *Provided*, That no payment shall be made from said contingent fund as additional salary or compensation to any officer or employee of the Senate. (Oct. 2, 1888, ch. 1069, 25 Stat. 546; Aug. 2, 1946, ch. 753, § 102, 60 Stat. 814; amended Dec. 27, 1974, Pub. L. 93-554, Ch. III, § 101, 88 Stat. 1776.)

270.1 **§ 68-1. Same; designation of Committee employees to approve vouchers on behalf of Committee.**

The Committee on Rules and Administration may authorize its chairman to designate any employee or employees of such Committee to approve in his behalf, all vouchers making payments from the contingent fund of the Senate, such approval to be deemed and held to be approval by the Committee on Rules and Administration for all intents and purposes. (Nov. 1, 1973, Pub. L. 93-145, § 101, 87 Stat. 529; Oct. 1, 1981, Pub. L. 97-51, 95 Stat. 965; Oct 12, 1984, Pub. L. 98-473, § 123A(c), 98 Stat. 1970.)

270.2 **§ 68-2. Appropriations for contingent expenses of Senate; restriction.**

Appropriations made for contingent expenses of the Senate shall not be used for the payment of personal services except upon the express and specific authorization of the Senate in whose behalf such services are rendered. Nor shall such appropriations be used for any expenses not intimately and directly connected with the routine legislative business of the Senate, and the General Accounting Office shall apply the provisions of this section in the settlement of the accounts of expenditures from said appropriations incurred for services or materials. (Feb. 14, 1902, c. 17, § 1, 32 Stat. 26; June 10, 1921, c. 18, Title III, § 304, 42 Stat. 24.)

270.3 **§ 68-3. Same; establishment of separate accounts for the Secretary of the Senate and the Sergeant at Arms and Doorkeeper of the Senate: Effective Date.**

(a) Effective October 1, 1983—

(1) there shall be, within the contingent fund of the Senate, a separate account for the "Secretary of the Senate", and a separate account for the "Sergeant at Arms and Doorkeeper of the Senate";

(2) the account for "Automobiles and Maintenance", within the contingent fund of the Senate, is abolished, and funds for the purchase, lease, exchange, maintenance, and operation of vehicles for the Senate shall be included in the separate account, established by paragraph (1), for the "Sergeant at Arms and Doorkeeper of the Senate"; and

(3) the account for "Postage Stamps", within the contingent fund of the Senate, is abolished; and funds for special delivery postage of the Office of the Secretary of the Senate shall be included in the separate account, established by paragraph (1) for the "Secretary of the Senate"; funds for special delivery postage of the Sergeant at Arms and Doorkeeper of the Senate shall be included in the separate account, established by paragraph (1), for the "Sergeant at Arms and Doorkeeper of the Senate"; and postage stamps for the Secretaries for the majority and the minority and other offices and officers of

the Senate, as authorized by law, shall be included in the account for "Miscellaneous Items", within the contingent fund of the Senate.

(b) Any provision of law which was enacted, or any Senate resolution which was agreed to, prior to October 1, 1983, and which authorizes moneys in the contingent fund of the Senate to be expended by or for the use of the Secretary of the Senate, or his office (whether generally or from a specified account within such fund) may on and after October 1, 1983, be construed to authorize such moneys to be expended from the separate account, within such fund, established by subsection (a)(1) for the "Secretary of the Senate"; and any provision of law which was enacted prior to October 1, 1983, and which authorizes moneys in the contingent fund of the Senate to be expended by or for the use of the Sergeant at Arms and Doorkeeper of the Senate, or his office (whether generally or from a specified account within such fund) may on and after October 1, 1983, be construed to authorize such moneys to be expended from the separate account, within such fund, established by subsection (a)(1) for the "Sergeant at Arms and Doorkeeper of the Senate". (July 14, 1983, Pub. L. 98-51, sec. 103, 97 Stat. 266.)

NOTE

Section 1201 of Public Law 98-181 provided the following:

Sec. 1201. The Sergeant at Arms and Doorkeeper of the Senate (hereinafter in this section referred to as the "Sergeant at Arms") may designate one or more employees in the Office of the Sergeant at Arms and Doorkeeper of the Senate to approve, on his behalf, all vouchers, for payment of moneys, which the Sergeant at Arms is authorized to approve. Whenever the Sergeant at Arms makes a designation under the authority of the preceding sentence, he shall immediately notify the Committee on Rules and Adminstration in writing of the designation, and thereafter any approval of any voucher, for payment of moneys, by an employee so designated shall (until such designation is revoked and the Sergeant at Arms notifies the Committee on Rules and Adminstration in writing of the revocation) be deemed and held to be approved by the Sergeant at Arms for all intents and purposes.

Sec. 1202. Any provision of law which is enacted prior to October 1, 1983, and which directs the Sergeant at Arms and Doorkeeper of the Senate to deposit any moneys in the United States Treasury for credit to the account, within the contingent fund of the Senate, for "Miscellaneous Items", or for "Automobiles and Maintenance" shall on and after October 1, 1983, be deemed to direct him to deposit such moneys in the United States Treasury for credit to the account, within the contingent fund of the Senate, for the "Sergeant at Arms and Doorkeeper of the Senate".

§ 68-5. Purchase, lease, exchange, maintenance, and operation of vehicles out of account for Sergeant at Arms and Doorkeeper of the Senate within contingent fund of Senate; authorization of appropriations. 270.4

For each fiscal year (commencing with the fiscal year ending September 30, 1985) there is authorized to be appropriated to the account, within the contingent fund of the Senate, for the Sergeant at Arms and Doorkeeper of the Senate, such funds (which shall be in addition to funds authorized to be so appropriated for other purposes) as may be necessary for the purchase, lease, exchange, maintenance, and operation of vehicles as follows: one for the Vice President, one for the President pro tempore of the Senate, one for the Majority Leader of the Senate, one for the Minority Leader of the Senate, one for Majority Whip of the Senate, one for the Minority Whip of the Senate, one for the attending physician, one as authorized by Senate Resolution 90 of the 100th Congress, such number as is needed for carrying mails, and for official use of the offices of the Secretary of the Senate, the Sergeant at Arms and Doorkeeper of the Senate, the Secretary for the Majority, and the Secretary for the Minority, and such additional number as is otherwise specifically authorized by law. (Aug. 15, 1985, Pub. L. 99-88, Title I, § 192, 99 Stat. 349; Dec. 22, 1987, Pub. L. 100-202, § 3(a), 101 Stat. 1329-294.)

270.5 § 68-6. Transfers from appropriations accounts for expenses of the Office of the Secretary of the Senate and Office of the Sergeant at Arms and Doorkeeper of the Senate.

(a) The Secretary of the Senate is authorized, with the approval of the Senate Committee on Appropriations, to transfer, during any fiscal year, from the appropriations account, within the contingent fund of the Senate, for expenses of the Office of the Secretary of the Senate, such sums as he shall specify to the Senate appropriations account, appropriated under the headings "Salaries, Officers and Employees" and "Office of the Secretary"; and any funds so transferred shall be available in like manner and for the same purposes as are other funds in the account to which the funds are transferred.

(b) The Sergeant at Arms and Doorkeeper of the Senate is authorized, with the approval of the Senate Committee on Appropriations, to transfer, during any fiscal year, from the appropriations account, within the contingent fund of the Senate, for expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, such sums as he shall specify to the appropriations account, appropriated under the headings "Salaries, Officers and Employees" and "Office of the Sergeant at Arms and Doorkeeper"; and any funds so transferred shall be available in like manner and for the same purposes as are other funds in the account to which the funds are transferred. (Dec. 22, 1987, Pub. L. 100-202, §101(i) [Title I, § 8], 101 Stat. 1329-295.)

271 § 68a. Same; materials, supplies and fuel.

Payments from the contingent fund of the Senate for materials and supplies (including fuel) hereafter purchased through the Administrator of General Services shall be made by check upon vouchers approved by the Committee on Rules and Administration of the Senate. (July 8, 1935, ch. 374, § 1, 49 Stat. 463; Aug. 2, 1946, ch. 753, § 102, 60 Stat. 814; June 30, 1949, ch. 288, § 102, 63 Stat. 380.)

272 § 68b. Same; per diem and subsistence expenses.[1]

No part of the appropriations made under the heading "Contingent expenses of the Senate" hereafter may be expended for per diem and subsistence expenses (as defined in the Travel Expense Act of 1949, as amended) at rates in excess of the rates prescribed by the Committee on Rules and Administration; except that (1) higher rates may be established by the Committee on Rules and Administration for travel beyond the limits of the continental United States, and (2) in accordance with regulations prescribed by the Committee on Rules and Administration of the Senate, reimbursement for such expenses may be made on an actual expense basis of not to exceed the daily rate prescribed by the Committee on Rules and Administration in the case of travel within the continental limits of the United States. This paragraph shall not apply with respect to per diem or actual travel expenses incurred by Senators and employees in the office of a Senator which are reimbursed under section 506 of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58). (June 27, 1956, ch. 453, 70 Stat. 360; Aug. 14, 1961, Pub. L. 87-139, § 7, 75 Stat. 340; Nov. 10, 1969, Pub. L. 91-114, § 3, 83 Stat. 190; May 19, 1975, Pub. L. 94-22, § 8, 89 Stat. 86; Aug. 5, 1977, Pub. L. 95-94, Title I, § 112(e), 91 Stat. 664; Sept. 8, 1978, Pub. L. 95-355, Title I, § 103, 92 Stat. 533; July 8, 1980, Pub. L. 96-304, Title I, § 102(b), 94 Stat. 889.)

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[1] Pursuant to the authority granted by section 68b the Committee on Rules and Administration issues "United States Senate Travel Regulations." Copies of the regulations currently in effect may be obtained from the Committee.

§ 68c. Same; computation of compensation for stenographic assistance of committees. 273

Compensation for stenographic assistance of committees paid out of the items under "Contingent Expenses of the Senate" hereafter shall be computed at such rates [1] and in accordance with such regulations as may be prescribed by the Committee on Rules and Administration, notwithstanding, and without regard to any other provision of law. (June 27, 1956, ch. 453, 70 Stat. 360.)

§ 69. Same; for expenses of committees. 274

When any duty is imposed upon a committee involving expenses that are ordered to be paid out of the contingent fund of the Senate, upon vouchers to be approved by the chairman of the committee charged with such duty, the receipt of such chairman for any sum advanced to him or his order out of said contingent fund by the Secretary of the Senate for committee expenses not involving personal services shall be taken and passed by the accounting officers of the Government as a full and sufficient voucher; but it shall be the duty of such chairman, as soon as practicable, to furnish to the Secretary of the Senate vouchers in detail for the expenses so incurred. (June 22, 1949, ch. 235, § 101, 63 Stat. 218.)

CROSS REFERENCE

Payments from contingent fund of Senate not to be made unless sanctioned, the vouchers of which are declared conclusive upon all departments of Government, see section 68 of this title (Senate Manual section **270**).

§ 69a. Orientation seminars. 274.5

Effective July 1, 1979, there is authorized an expense allowance for the Office of the Secretary of the Senate and the Office of Sergeant at Arms and Doorkeeper of the Senate which shall not exceed $4,000 each fiscal year for each such office. Payments made under this section shall be reimbursements only for actual expenses (including meals and food-related expenses) incurred in the course of conducting orientation seminars for Senators, Senate officials, or members of the staffs of Senators or Senate officials, and other similar meetings, in the Capitol Building or the Senate Office Buildings. Such payments shall be made upon certification and documentation of such expenses by the Secretary and Sergeant at Arms, respectively, and shall be made out of the contingent fund of the Senate upon vouchers signed by the Secretary and the Sergeant at Arms, respectively. Amounts received as reimbursement of such expenses shall not be reported as income, and the expenses so reimbursed shall not be allowed as a deduction, under the Internal Revenue Code of 1954. (July 25, 1979, Pub. L. 96-38, Title I, § 107(a), 93 Stat. 112; Aug. 15, 1985, Pub. L. 99-88, § 193, 99 Stat. 349; Dec. 22, 1987, Pub. L. 100-202, § 6, 101 Stat. 1329-294.)

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[1] Pursuant to the authority granted by section 68c the Committee on Rules and Administration issues "Regulations Governing Rates Payable to Commercial Reporting Firms for Reporting Committee Hearings in the Senate." Copies of the regulations currently in effect may be obtained from the Committee.

275 § 72a. Committee staffs—

(a) Appointment of professional members; number; qualifications; termination of employment.

(Made inapplicable by sec. 2 of S. Res. 274, 96th Congress.)

(b) Professional members for Committee on Appropriations; examinations of executive agencies' operations.

(Made inapplicable with respect to the Senate by sec. 2 of S. Res. 274, 96th Congress.)

(c) Clerical employees; appointment; number; duties; termination of employment.

(Made inapplicable by sec. 2 of S. Res. 274, 96th Congress.)

(d) Recordation of committee hearings, data, etc.; access to records.

(Made inapplicable by sec. 2 of S. Res. 274, 96th Congress. For rule on same, see Senate Manual section **26.10a**.)

(e) Repealed.

(f) Limitations on appointment of professional members.

(Made inapplicable with respect to the Senate by sec. 2 of S. Res. 274, 96th Congress. For rule on same, see Senate Manual section **27.4**.)

(g) Appointments when no vacancy exists; payment from contingent fund of the Senate.

(Made inapplicable by sec. 2 of S. Res. 274, 96th Congress.)

(h) Salary rates, assignments of facilities and accessibility of committee records for minority staff appointees.

(Made inapplicable by sec. 2 of S. Res. 274, 96th Congress. For rule on same, see Senate Manual section **27.1**.)

275.9 **(i) Consultants for Senate and House standing committees; procurement of temporary or intermittent services; contracts; advertisement requirements inapplicable; selection method; qualifications report to congressional committees.**

(1) Each standing committee of the Senate or House of Representatives is authorized, with the approval of the Committee on Rules and Administration in the case of standing committees of the Senate, or the Committee on House Administration in the case of standing committees of the House of Representatives, within the limits of funds made available from the contingent funds of the respective Houses pursuant to resolutions,

which shall specify the maximum amounts which may be used for such purpose, approved by such respective Houses, to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, to make studies or advise the committee with respect to any matter within its jurisdiction or with respect to the administration of the affairs of the committee.

(2) Such services in the case of individuals or organizations may be procured by contract as independent contractors, or in the case of individuals by employment at daily rates of compensation not in excess of the per diem equivalent of the highest gross rate of compensation which may be paid to a regular employee of the committee. Such contracts shall not be subject to the provisions of section 5 of title 41 or any other provision of law requiring advertising.

(3) With respect to the standing committees of the Senate, any such consultant or organization shall be selected by the chairman and ranking minority member of the committee, acting jointly. With respect to the standing committees of the House of Representatives, the standing committee concerned shall select any such consultant or organization. The committee shall submit to the Committee on Rules and Administration in the case of standing committees of the Senate, and the Committee on House Administration in the case of standing committees of the House of Representatives, information bearing on the qualifications of each consultant whose services are procured pursuant to this subsection, including organizations, and such information shall be retained by that committee and shall be made available for public inspection upon request.

(j) Specialized training for professional staffs of Senate and House standing committees, Senate Appropriations Committee, Senate Majority and Minority Policy Committees, and joint committees whose funding is disbursed by the Secretary of the Senate or the Clerk of the House; assistance: pay, tuition, etc. while training; continued employment agreement; service credit: retirement, life insurance and health insurance. 275.10

(1) Each standing committee of the Senate or House of Representatives is authorized, with the approval of the Committee on Rules and Administration in the case of standing committees of the Senate, and the Committee on House Administration in the case of standing committees of the House of Representatives, and within the limits of funds made available from the contingent funds of the respective Houses pursuant to resolutions, which shall specify the maximum amounts which may be used for such purpose, approved by such respective Houses, to provide assistance for members of its professional staff in obtaining specialized training, whenever that committee determines that such training will aid the committee in the discharge of its responsibilities. Any joint committee of the Congress whose expenses are paid out of funds disbursed by the Secretary of the Senate or by the Clerk of the House, the Committee on Appropriations of the Senate, and the Majority Policy Committee and Minority Policy Committee of the Senate are each authorized to expend, for the purpose of providing assistance in accordance with paragraphs (2), (3), and (4) of this subsection for members of its staff in obtaining such training, any part of amounts appropriated to that committee.

(2) Such assistance may be in the form of continuance of pay during periods of training or grants of funds to pay tuition, fees, or such other expenses of training, or both, as may be approved by the Committee on Rules and Administration or the Committee on House Administration, as the case may be.

(3) A committee providing assistance under this subsection shall obtain from any employee receiving such assistance such agreement with respect to continued employment with the committee as the committee may deem necessary to assure that it will receive the benefits of such employee's services upon completion of his training.

(4) During any period for which an employee is separated from employment with a committee for the purpose of undergoing training under this subsection, such employee shall be considered to have performed service (in a nonpay status) as an employee of the committee at the rate of compensation received immediately prior to commencing such training (including any increases in compensation provided by law during the period of training) for the purposes of—

(A) subchapter III (relating to civil service retirement) of chapter 83 of title 5,

(B) chapter 87 (relating to Federal employees group life insurance) of title 5, and

(C) chapter 89 (relating to Federal employees group health insurance) of title 5. (Aug. 2, 1946, ch. 753, § 202, 60 Stat. 834; July 30, 1947, ch. 361, § 101, 61 Stat. 611; Feb. 24, 1949, ch. 8, 63 Stat. 6; Aug. 5, 1955, ch. 568, § 12, 69 Stat. 509; June 20, 1958, Pub. L. 85-462, § 4(o), 72 Stat. 209; Oct. 26, 1970, Pub. L. 91-510, §§ 301, 303-304, 84 Stat. 1175; Oct. 11, 1971, Pub. L. 92-136, § 5, 85 Stat. 378; Oct. 1, 1988, Pub. L. 100-458, § 312, 102 Stat. 2184.)

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NOTE

Section 115 of Pub. L. 97-51 reenacted section 105 of the Legislative Branch Appropriations Act, 1979, with two amendments. Section 2 of Pub. L. 99-492 and Section 1 of Pub. L. 100-18 further amended the section. The section as amended and reenacted reads as follows:

Sec. 105. (a) For the period beginning on October 1, 1981, and ending on June 5, 1987, there is established within the Office of the Secretary of the Senate an office to be known as the "Office of Classified National Security Information" (hereafter in this section referred to as the "Office").[1] The Office shall be under the policy direction of the Majority Leader, the Minority Leader, and the chairman of the Committee on Rules and Administration of the Senate, and shall be under the administrative direction and supervision of the Secretary of the Senate. The Office shall have the responsibility for safeguarding such restricted data and such other classified information as any committee of the Senate may from time to time assign to it.

(b) The Office shall have authority—

(1) upon application of any committee of the Senate, to perform the administrative functions necessary to classify and declassify information relating to the national security considerations of nuclear technology in accordance with guidelines developed for restricted data by the responsible executive agencies;

(2) to provide appropriate facilities for hearings of committees of the Senate at which restricted data or other classified information is to be presented or discussed; and

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[1] See Senate Manual section **79.31** for subsequent establishment of the Office of Senate Security.

(3) to establish and operate a central repository in the United States Capitol for the safeguarding of restricted data and other classified information for which such Office is responsible.

(c) All records, documents, and data in the custody of the Office of Classified National Security Information established by section 2 of Senate Resolution Numbered 252, Ninety-fifth Congress, are transferred to the Office established by subsection (a).

(d) As an exercise of the rulemaking power of the Senate, section 2 of Senate Resolution Numbered 252, Ninety-fifth Congress, is repealed effective October 1, 1978.

(e) All records, documents, and data in the Office for which funds were made available under Senate Resolution Numbered 570, Ninety-sixth Congress, are transferred to the Office established by subsection (a). (Oct. 1, 1981, Pub. L. 97-51, § 115, 95 Stat. 963; Oct. 16, 1986, Pub. L. 99-492, § 2, 100 Stat. 1240; Apr. 3, 1987, Pub. L. 100-18, § 1, 101 Stat. 262.)

§ 72a-1e. Assistance to Senators with committee memberships by employees in office of Senator. 277

(1) A Senator may designate employees in his office to assist him in connection with his membership on committees of the Senate. An employee may be designated with respect to only one committee.

(2) An employee designated by a Senator under this section shall be certified by him to the chairman and ranking minority member of the committee with respect to which such designation is made. Such employee shall be accorded all privileges of a professional staff member (whether permanent or investigatory) of such committee including access to all committee sessions and files, except that any such committee may restrict access to its sessions to one staff member per Senator at a time and require, if classified material is being handled or discussed, that any staff member possess the appropriate security clearance before being allowed access to such material or to discussion of it. Nothing contained in this paragraph shall be construed to prohibit a committee from adopting policies and practices with respect to the application of this subsection which are similar to the policies and practices adopted with respect to the application of section 705(c)(1) of Senate Resolution 4, 95th Congress, and section 106(c)(1) of the Supplemental Appropriations Act, 1977.

(3) A Senator shall notify the chairman and ranking minority member of a committee whenever a designation of an employee under this section with respect to such committee is terminated. (Pub. L. 95-94, Title I, § 111(c), Aug. 5, 1977, 91 Stat. 662.)

§ 74b. Employment of additional administrative assistants. 280

The Secretary of the Senate and the Clerk of the House are authorized to employ such administrative assistants as may be necessary in order to carry out the provisions of sections 60a, 72a, 74a, 88a, and 261-270 of this title and section 905 of title 44 under their respective jurisdictions. (Aug. 2, 1946, ch. 753, § 244, 60 Stat. 839.)

§ 88a. Education of Congressional and Supreme Court pages; appropriations; attendance at private or parochial schools. 281

(a) The Secretary of the Senate and the Clerk of the House of Representatives, acting jointly, are authorized and directed to enter into an arrangement with the Board of Education of the District of Columbia for the education of Congressional pages and pages of the Supreme Court in the public school system of the District. Such arrangement shall include provision for reimbursement to the District of Columbia for any additional expenses incurred by the public school system of the District in carrying out such arrangement.

(b) There are authorized to be appropriated such sums as may be necessary to reimburse the District of Columbia in accordance with the arrangement referred to in subsection (a) of this section.

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, said page or pages may elect to attend a private or parochial school of their own choice: *Provided, however,* That such private or parochial school shall be reimbursed by the Senate and House of Representatives only in the same amount as would be paid if the page or pages were attending a public school under the provisions of subsections (a) and (b) of this section. (Aug. 2, 1946, ch. 753, § 243, 60 Stat. 839.)

282 § 88b. Same; other minors who are congressional employees.

The facilities provided for the education of Congressional and Supreme Court pages shall be available from and after January 2, 1947, also for the education of such other minors who are congressional employees as may be certified by the Secretary of the Senate and the Clerk of the House of Representatives to receive such education. (Mar. 22, 1947, ch. 20, § 101, 61 Stat. 16.)

283 § 88b-1. Congressional pages—Appointment conditions.

(a) A person shall not be appointed as a page of the Senate or House of Representatives—

(1) unless he agrees that, in the absence of unforseen circumstances preventing his service as a page after his appointment, he will continue to serve as a page for a period of not less than two months; and

(2) until complete information in writing is transmitted to his parent or parents, his legal guardian, or other appropriate person or persons acting as his parent or parents, with respect to the nature of the work of pages, their pay, their working conditions (including hours and scheduling of work), and the housing accommodations available to pages.

(b) A person shall not serve as a page—

(1) of the Senate before he has attained the age of fourteen years; or

(2) of the House of Representatives before he has attained the age of sixteen years; or

(except in the case of a chief page, telephone page, or riding page) during any session of the Congress which begins after he has attained the age of eighteen years.

(c) Repealed.

(d) Repealed.

(Oct. 26, 1970, Pub. L. 91-510, § 491, 84 Stat. 1198; Oct. 1, 1981, Pub. L. 97-51, § 123, 95 Stat. 965.)

285 § 101. Subletting duties of employees of Senate or House of Representatives.

No employee of Congress, either in the Senate or House, shall sublet to, or hire, another to do or perform any part of the duties or work attached to the position to which he was appointed. (Mar. 2, 1895, ch. 177, § 1, 28 Stat. 771.)

§ 102a. Withdrawal of unexpended balances of appropriations. 287

Notwithstanding the provisions of any other law, the unexpended balances of appropriations for the fiscal year 1955 and succeeding fiscal years which are subject to disbursement by the Secretary of the Senate or the Clerk of the House of Representatives shall be withdrawn as of June 30 of the second fiscal year following the year for which provided, except that the unexpended balances of such appropriations for the period commencing on July 1, 1976, and ending on September 30, 1976, and for each fiscal year beginning on or after October 1, 1976, shall be withdrawn as of September 30 of the second fiscal year following the period or year for which provided. Unpaid obligations chargeable to any of the balances so withdrawn or appropriations for prior years shall be liquidated from any appropriations for the same general purpose, which, at the time of payment, are available for disbursement. (June 21, 1957, Pub. L. 85-85, 71 Stat. 190; June 1, 1976, Pub. L. 94-303, § 118, 90 Stat. 615.)

§ 104a. Semiannual statements of expenditures by Secretary of the Senate and Clerk of the House of Representatives. 288

(1) Commencing with the semiannual period beginning on July 1, 1964, and ending on December 31, 1964, and for each semiannual period thereafter, the Secretary of the Senate and the Clerk of the House of Representatives shall compile, and, not later than sixty days following the close of the semiannual period, submit to the Senate and House of Representatives, respectively, and make available to the public, in lieu of the reports and information required by sections 60 to 63, inclusive, of the Revised Statutes, as amended (2 U.S.C. 102, 103, 104), and S. Res. 139, Eighty-sixth Congress, a report containing a detailed statement, by items, of the manner in which appropriations and other funds available for disbursement by the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, have been expended during the semiannual period covered by the report, including (1) the name of every person to whom any part of such appropriation has been paid, (2) if for anything furnished, the quantity and price thereof, (3) if for services rendered, the nature of the services, the time employed, and the name, title, and specific amount paid to each person, and (4) a complete statement of all amounts appropriated, received, or expended, and any unexpended balances. Such reports shall include the information contained in statements of accountability and supporting vouchers submitted to the General Accounting Office pursuant to the provisions of section 117(a) of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 67(a)). Notwithstanding the foregoing provisions of this subsection, in any case in which the voucher or vouchers covering payment to any person for attendance as a witness before any committee of the Senate or House of Representatives, or any subcommittee thereof, during any semiannual period, indicate that all appearances of such person covered by such voucher or vouchers were as a witness in executive session of the committee or subcommittee, information regarding such payment, except for date of payment, voucher number, and amount paid, shall not be included in the report compiled pursuant to this subsection for such semiannual period. Any information excluded from a report for any semiannual period by reason of the foregoing sentence shall be included

in the report compiled pursuant to this subsection for the succeeding semiannual period. Reports required to be submitted to the Senate and the House of Representatives under this section shall be printed as Senate and House documents, respectively.

(2) The report by the Secretary of the Senate under paragraph (1) for the semiannual period beginning on January 1, 1976, shall include the period beginning on July 1, 1976, and ending on September 30, 1976, and such semiannual period shall be treated as closing on September 30, 1976. Thereafter, the report by the Secretary of the Senate under paragraph (1) shall be for the semiannual periods beginning on October 1, and ending on March 31 and beginning on April 1 and ending on September 30 of each year. (Pub. L. 88-454, § 105(a), Aug. 20, 1964, 78 Stat. 550; Pub. L. 88-656, Oct. 13, 1964, 78 Stat. 1088; Pub. L. 94-303, Title I, § 118(b)(1), June 1, 1976, 90 Stat. 615.)

290 § 105. Preparation and contents of statement of appropriations.

The statement of all appropriations made during each session of Congress shall be prepared under the direction of the Committees on Appropriations of the Senate and House of Representatives, and said statement shall contain a chronological history of the regular appropriation bills passed during the session for which it is prepared. The statement shall indicate the amount of contracts authorized by the appropriation Acts in addition to appropriations made therein, and shall also contain specific reference to all indefinite appropriations made each session and shall contain such additional information concerning estimates and appropriations as the committees may deem necessary. (Oct. 19, 1888, ch. 1210, § 1, 25 Stat. 587; July 19, 1897, ch. 9, § 1, 30 Stat. 136; June 7, 1924, ch. 303, § 1, 43 Stat. 586.)

291 § 106. Stationery for Senate and House of Representatives; advertisements for.

The Secretary of the Senate and Clerk of the House of Representatives shall annually advertise, once a week for at least four weeks, in one or more of the principal papers published in the District of Columbia, for sealed proposals for supplying the Senate and House of Representatives, respectively, during the next session of Congress with the necessary stationery. The advertisement must describe the kind of stationery required, and must require the proposals to be accompanied with sufficient security for their performance. (R.S. § 66; Feb. 18, 1875, ch. 80, § 1, 18 Stat. 316.)

CROSS REFERENCES

Stationery for Senate and House may be purchased from Public Printer at cost, see section 110 of this title (Senate Manual section **295**).

Stationery required for official use of Senate and House to be furnished by Public Printer upon requisition, see section 734 of title 44, United States Code (Senate Manual section **643**).

Supplies for Senate and House may be purchased in accordance with schedule of contract articles and prices of Administrator of General Services, see section 111 of this title (Senate Manual section **296**).

292 § 107. Same; opening bids; awarding contracts.

All such proposals shall be kept sealed until the day specified in such advertisement for opening the same, when the same shall be opened in the presence of at least two persons, and the contract shall be given to the lowest bidder, provided he shall give satisfactory security to perform the same, under a forfeiture not exceeding double the contract price in case of failure; and in case the lowest bidder shall fail to enter into such contract and give such security, within a time to be fixed in such advertisement, then the contract shall be given to the next lowest bidder, who shall enter into such contract, and give such security. And in case of failure by the person entering into such contract to perform the same, he and his sureties shall be liable for the forfeiture specified in such contract, as liquidated damages, to be sued for in the name of the United States. (R.S. § 67; Feb. 18, 1875, ch. 80, § 1, 18 Stat. 316.)

§ 108. Same; contracts for separate parts of stationery. 293

Sections 106 and 107 of this title shall not prevent either the Secretary or the Clerk from contracting for separate parts of the supplies of stationery required to be furnished. (R.S. § 68.)

Cross Reference

See note under section 106 of this title (Senate Manual section **291**).

§ 109. American goods to be preferred in purchases for Senate and House of Representatives. 294

The Secretary of the Senate and the Clerk of the House of Representatives shall, in disbursing the public moneys for the use of the two Houses, respectively, purchase only articles the growth and manufacture of the United States, provided the articles required can be procured of such growth and manufacture upon as good terms as to quality and price as are demanded for like articles of foreign growth and manufacture. (R.S. § 69.)

§ 110. Purchase of paper, envelopes, etc., for stationery rooms of Senate and House of Representatives. 295

Paper, envelopes, and blank books required by the stationery rooms of the Senate and House of Representatives for sale to Senators and Members for official use may be purchased from the Public Printer at actual cost thereof and payment therefor shall be made before delivery. (June 5, 1920, ch. 253, § 1, 41 Stat. 1036.)

§ 111. Purchase of supplies for Senate and House of Representatives. 296

Supplies for use of the Senate and the House of Representatives may be purchased in accordance with the schedule of contract articles and prices of the Administrator of General Services. (June 5, 1920, ch. 253, § 1, 41 Stat. 1036; June 10, 1933, Ex. Ord. No. 6166, § 1; June 30, 1949, ch. 288, § 102, 63 Stat. 380.)

§ 111a. Receipts from sales of items by Sergeant at Arms and Doorkeeper of Senate, to Senators, etc., to be credited to appropriation from which purchased. 296.1

In any case in which appropriated funds are used by a Senator or a committee or office of the Senate to purchase from the Sergeant at Arms and Doorkeeper of the Senate items which were purchased by him from the appropriation for "miscellaneous items" under "Contingent Expenses of the Senate" in any appropriation Act, the amounts received by the

Sergeant at Arms and Doorkeeper shall be deposited in the Treasury of the United States for credit to such appropriation. This section does not apply to amounts received from the sale of used or surplus furniture and equipment. (Pub. L. 96-214, Mar. 24, 1980, 94 Stat. 122.)

NOTE

(Sec. 903(a) of Pub. L. 98-63, 97 Stat 336, July 29, 1983, provided:

"Sec. 903. (a) Notwithstanding any provision to the contrary in any contract which is entered into by any person and either the Administrator of General Services or a contracting officer of any executive agency and under which such person agrees to sell or lease to the Federal Government (or any one or more entities thereof) any unit of property, supplies, or services at a specified price or under specified terms and conditions (or both), such person may sell or lease to the Congress the same type of such property, supplies, or services at a unit price or under terms and conditions (or both) which are different from those specified in such contract; and any such sale or lease of any unit or units of such property, supplies or services to the Congress shall not be taken into account for the purpose of determining the price at which, or the terms and conditions under which, such person is obligated under such contract to sell or lease any unit of such property, supplies, or services to any entity of the Federal Government, other than the Congress. For purposes of the preceding sentence, any sale or lease of property, supplies, or services to the Senate (or any office or instrumentality thereof) or to the House of Representatives (or any office or instrumentality thereof) shall be deemed to be a sale or lease of such property, supplies, or services to the Congress.".

297 § 112. Purchases of stationery and materials for folding.

Purchases of stationery and materials for folding shall be made in accordance with section 106–109 of this title.

All contracts and bonds for purchases made under the authority of this section shall be filed with the Committee on Rules and Administration of the Senate or the Committee on House Administration of the House of Representatives respectively. (Mar. 3, 1887, ch. 392, § 1, 24 Stat. 596; Aug. 2, 1946, ch. 753, §§ 102, 121, 60 Stat. 814, 822.)

298 § 113. Detailed reports of receipts and expenditures by Secretary of Senate and Clerk of House of Representatives.[1]

The Secretary of the Senate and the Clerk of the House of Representatives, respectively, shall report to Congress on the first day of each regular session, and at the expiration of their terms of service, a full and complete statement of all their receipts and expenditures as such officers, showing in detail the items of expense, classifying them under the proper appropriations, and also showing the aggregate thereof, and exhibiting in a clear and concise manner the exact condition of all public moneys by them received, paid out, and remaining in their possession as such officers. (R.S. § 70.)

299 § 114. Fees for copies from Senate and House Journals.

The Secretary of the Senate and the Clerk of the House of Representatives, respectively, are entitled, for transcribing and certifying extracts from the Journal of the Senate or the executive Journal of the Senate when the injunction of secrecy has been removed, or from the Journal of the House of Representatives, except when such transcripts are required by an officer of the United States in a matter relating to the duties of his office, to receive from the persons for whom such transcripts are prepared the sum of 10 cents for each sheet containing one hundred words. (R.S. § 71.)

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[1] Superseded by section 105(a) of Pub. L. 88-454, Aug. 20, 1964, 78 Stat. 550, as amended. See Senate Manual section **288**.

§ 117. Sale of waste paper and condemned furniture. 300

It shall be the duty of the Clerk and Doorkeeper of the House of Representatives and the Secretary and Sergeant at Arms of the Senate to cause to be sold all waste paper and useless documents and condemned furniture that may accumulate, in their respective departments or offices, under the direction of the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate and cover the proceeds thereof into the Treasury. (Aug. 7, 1882, ch. 433, § 1, 22 Stat. 337; May 29, 1928, ch. 901, § 1, 45 Stat. 995; Aug. 2, 1946, ch. 953, §§ 102, 121, 60 Stat. 814, 822.)

§ 117b–1. Receipts from sale of used or surplus furniture and furnishings of Senate.

On and after October 1, 1982, receipts from the sale of used or surplus furniture and furnishings shall be deposited in the United States Treasury for credit to the appropriation for "Senate Office Buildings" under the heading "Architect of the Capitol." (Oct. 2, 1982, Pub. L. 97–276, § 101(e), 96 Stat. 1189.)

§ 118. Actions against officers for official acts.[1] 301

In any action brought against any person for or on account of anything done by him while an officer of either House of Congress in the discharge of his official duty, in executing any order of such House, the United States attorney for the district within which the action is brought, on being thereto requested by the officer sued, shall enter an appearance in behalf of such officer; and all provisions of the eighth section of the Act of July 28, 1866, entitled "An Act to protect the revenue, and for other purposes", and also all provisions of the sections of former Acts therein referred to, so far as the same relate to the removal of suits, the withholding of executions, and the paying of judgments against revenue or other officers of the United States, shall become applicable to such action and to all proceedings and matters whatsoever connected therewith, and the defense of such action shall thenceforth be conducted under the supervision and direction of the Attorney General. (Mar. 3, 1875, ch, 130, § 8, 18 Stat. 401; June 25, 1948, ch. 646, § 1, 62 Stat. 909.)

§ 118a. Officers of Senate. 301.5

Section 118 of this title shall not apply to officers of the Senate. (Pub. L. 95–521, Title VII, § 714(d), Oct. 26, 1978, 92 Stat. 1884.)

§ 119. Stationery rooms of House and Senate; specifications of classes of articles purchasable. 302

The Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate, respectively, shall make and issue regulations specifying the classes of articles which may be purchased by or through the stationery rooms of the House and Senate. (May 13, 1926, ch. 294, § 2, 44 Stat. 552; Aug. 2, 1946, ch. 753, §§ 102, 121, 60 Stat. 814, 822.)

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[1] Rule 69(b) of Federal Rules of Civil Procedure provides as to judgments against public officers.

303 § 119a. Change of name of Senate Folding Room to Senate Service Department.

Hereafter the Senate Folding Room shall be known as the Senate Service Department. (July 2, 1954, ch. 455, § 101, 68 Stat. 397.)

304 § 121. Surcharge on orders in Senate restaurant for deficit fund.

The Committee on Rules and Administration of the United States Senate is authorized and directed hereafter to add a minimum of 10 per centum to each order in excess of 10 cents served in the Senate restaurants and 20 per centum to all orders served outside of said restaurants, and the proceeds accruing therefrom shall be placed in a fund to be used in the payment of any deficit incurred in the management of such kitchens and restaurants. (May 18, 1937, ch. 223, § 1, 50 Stat. 173; Aug. 2, 1946, ch. 753, § 102, 60 Stat. 814.)

CROSS REFERENCE

For jurisdiction over, and management of, Senate restaurants, see section 174j-1 of title 40, United States Code (Senate Manual section **518**).

304.5 § 121a. Senate Barber Shops Revolving Fund.

(a) There is hereby established in the Treasury of the United States a revolving fund within the contingent fund of the Senate to be known as the Senate Barber and Beauty Shops Revolving Fund (hereafter in this section referred to as the "revolving fund").

(b) All moneys received by the Senate Barber Shop and the Senate Beauty Shop from fees for services or from any other source shall be deposited to the credit of the revolving fund. Moneys in the revolving fund shall be available without fiscal year limitation for disbursement by the Secretary of the Senate for necessary supplies and expenses of the Senate Barber and Beauty Shops.

(c) On or before December 31 of each year, the Secretary of the Senate shall withdraw from the revolving fund and deposit in the Treasury of the United States as miscellaneous receipts all moneys in excess of $10,000 in the revolving fund at the close of the preceding fiscal year.

(d) Disbursements from the revolving fund shall be made upon vouchers signed by the Sergeant at Arms and Doorkeeper of the Senate.

(e) The Sergeant at Arms and Doorkeeper of the Senate is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section. (Oct. 1, 1976, Pub. L. 94-440, Title I, § 106, 90 Stat. 1444; May 4, 1977, Pub. L. 95-26, § 107, 91 Stat. 85; Oct. 1, 1988, Pub. L. 100-458, § 10(b), 102 Stat. 2162.)

304.6 § 121b. Senate Beauty Shop.

(a) The Sergeant at Arms and Doorkeeper of the Senate is authorized to employ, and fix the compensation of such employees as he determines necessary to operate the Senate Beauty Shop.

(b) Any individual who, on the date of the enactment of this section, is an employee of the Senate Building Beauty Shop and who, after having been employed by the Sergeant at Arms and Doorkeeper pursuant to subsection (a) of this section, attains 5 years of civilian service creditable under section 8411 of title 5, United States Code, other than service credited pursuant to subsection (d) of this section, may be credited under such section for any service as an employee of the Senate Building Beauty Shop prior to such date of enactment, if such employee makes a payment of the amount, determined by the Office of Personnel Management, that would have been deducted and withheld from the basic pay of such employee under section 8422 of title 5, United States Code, for such period so credited, together with interest thereon.

(c) Notwithstanding any other provision of this section, any service performed by an individual in the Senate Building Beauty Shop prior to the date of the enactment of this section is deemed to be civilian service creditable under section 8411 of title 5, United States Code, for purposes of qualifying for survivor annuities and disability benefits under subchapters IV and V of chapter 84 of title 5, United States Code, if such individual—

(1) on the date of the enactment of this Act, is an employee of the Senate Building Beauty Shop;

(2) on or after the date of such enactment is employed by the Sergeant at Arms and Doorkeeper pursuant to subsection (a) of this section; and

(3) payment is made of an amount, determined by the Office of Personnel Management, which would have been deducted and withheld from the basic pay of such employee under section 8422 of title 5, United States Code, for such period so credited, together with interest thereon.

(d) The Office of Personnel Management shall accept the certification of the Secretary of the Senate concerning creditable service for the purpose of this section.

(e) The foregoing provisions of this section shall take effect on October 1, 1988. (Oct. 1, 1988, Pub. L. 100-458, § 10, 102 Stat. 2162.)

§ 123b. House and Senate Recording Studios. 305

(a) Establishment. 305.1

There is established a House Recording Studio and a Senate Recording Studio.

(b) Assistance in making disk, film and tape recordings; exclusiveness of use. 305.2

The House Recording Studio shall assist Members of the House of Representatives in making disk, film, and tape recordings, and in performing such other functions and duties in connection with the making of such recordings as may be necessary. The Senate Recording Studio shall assist Members of the Senate and committees of the Senate in making disk, film, and tape recordings, and in performing such other functions and duties in connection with the making of such recordings as may be necessary. The House Recording Studio shall be for the exclusive use of Members of the House of Representatives (including the Delegates and the Resident Commissioner from Puerto Rico); the Senate Recording Studio shall be for the exclusive use of Members of the Senate, the Vice President, and committees of the Senate.

305.3 **(c) Operation of studios.**

The House Recording Studio shall be operated by the Clerk of the House of Representatives under the direction and control of a committee which is created (hereinafter referred to as the committee) composed of three Members of the House. Two members of the committee shall be from the majority party and one member shall be from the minority party, to be appointed by the Speaker. The committee is authorized to issue such rules and regulations relating to operation of the House Recording Studio as it may deem necessary.

The Senate Recording Studio shall be operated by the Sergeant at Arms of the Senate under the direction and control of the Committee on Rules and Administration of the Senate. The Committee on Rules and Administration is authorized to issue such rules and regulations relating to operation of the Senate Recording Studio as it may deem necessary.

305.4 **(d) Prices of disk, film, and tape recordings; collection of moneys.**

The Clerk of the House of Representatives shall, subject to the approval of the committee, set the price of making disk, film, and tape recordings, and collect all moneys owed the House Recording Studio. The Committee on Rules and Administration of the Senate shall set the price of making disk, film, and tape recordings and all moneys owed the Senate Recording Studio shall be collected by the Sergeant at Arms of the Senate.

305.5 **(e) Restrictions on expenditures.**

No moneys shall be expended or obligated for the House Recording Studio except as shall be pursuant to such regulations as the committee may approve. No moneys shall be expended or obligated by the Director of the Senate Recording Studio until approval therefor has been obtained from the Sergeant at Arms of the Senate.

305.6 **(f) Appointment of Director and other employees of House Recording Studio.**

The Clerk of the House of Representatives is authorized, subject to the approval of the committee, to appoint a Director of the House Recording Studio and such other employees as are deemed necessary to the operation of the House Recording Studio.

305.7 **(g) Revolving funds.**

There is established in the Treasury of the United States, a revolving fund within the contingent fund of the House of Representatives for the House Recording Studio for the purposes of administering the duties of that studio. There is also established in the Treasury of the United States, a revolving fund within the contingent fund of the Senate for the Senate Recording Studio for the purposes of administering the duties of that studio.

305.8 **(h) Deposits in funds; availability of funds.**

All moneys received by the House Recording Studio from Members of the House of Representatives for disk, film, or tape recordings, or from any other source, shall be deposited by the Clerk of the House of Representatives in the revolving fund established for the House Recording Studio by subsection (g) of this section; moneys in such fund shall be available for disbursement therefrom by the Clerk of the House of Representatives for the care, maintenance, operation, and other expenses of the studio upon vouchers signed and approved in such manner as the committee shall prescribe. All moneys received by the Senate Recording Studio for disk, film, or tape recordings or from any other source, shall be deposited in the revolving fund established for the Senate Recording Studio by subsection (g) of this section; moneys in such fund shall be available for disbursement therefrom upon vouchers signed and approved by the Sergeant at Arms for the care, maintenance, operation, and other expenses, of the Senate Recording Studio.

(i) Distribution of equity of Joint Senate and House Recording Facility Revolving Fund; assignment of existing studio facilities, equipment, materials and supplies; transfer of accounts; reserve fund; distribution of balance. 305.9

(1) As soon as practicable after June 27, 1956, but no later than September 30, 1956, the equity of the Joint Senate and House Recording Facility Revolving Fund shall be distributed equally to the Senate and House of Representatives on the basis of an audit to be made by the General Accounting Office.

(2) The Sergeant at Arms of the Senate and the Clerk of the House of Representatives shall, subject to the approval of the committees mentioned in subsection (c) of this section, determine the assignment of existing studio facilities to the Senate and the House of Representatives, and also the existing equipment, materials and supplies to be transferred to the respective studios. The evaluation of equipment, materials and supplies transferred to each studio shall be on the basis of market value. Any other equipment, materials and supplies determined to be obsolete or not needed for the operation of the respective studio shall be disposed of to the best interest of the Government and the proceeds thereof deposited in the Joint Senate and House Recording Facility Revolving Fund.

(3) Accounts receivable, which on the effective date of liquidation, are due from Members and committees of the Senate shall be transferred to the Senate Studio, and those due from Members and committees of the House of Representatives shall be transferred to the House Studio.

(4) A sufficient reserve shall be set aside from the Joint Senate and House Recording Facility Revolving Fund to liquidate any outstanding accounts payable.

(5) After appropriate adjustments for the value of assets assigned or transferred to the Senate and House of Representatives, respectively, the balance in the Joint Senate and House Recording Facility Revolving Fund shall be distributed equally to the Senate and House of Representatives for deposit to the respective revolving funds authorized by this section.

(j) Availability of existing services and facilities. 305.10

Pending acquisition of the stock, supplies, materials, and equipment necessary to properly equip both studios, the present services and facilities shall be made available to both studios in order that each studio may carry out its duty.

305.11 **(k) Restrictions on employment.**

No person shall be an officer or employee of the House or Senate Recording Studio while he is engaged in any other business, profession, occupation, or employment which involves the performance of duties which are similar to those which would be performed by him as such an officer or employee of such studio unless approved in writing by the committee in the case of the House Recording Studio and the Senate Committee on Rules and Administration in the case of the Senate Recording Studio.

305.12 **(l) Abolition of Joint Recording Facility positions and salaries.**

The Joint Recording Facility positions and salaries established pursuant to the Legislative Branch Appropriation Act, 1948, and all subsequent Acts are abolished.

305.13 **(m) Repeals.**

Effective with the completion of the transfer provided for by subsection (i) of this section the joint resolution entitled "Joint resolution establishing in the Treasury of the United States a revolving fund within the contingent fund of the House of Representatives", approved August 7, 1953, is repealed.

(n) Repealed.

305.15 **(o) Authorization of appropriations.**

Such sums as may be necessary to carry out the provisions of this section are authorized to be appropriated. (June 27, 1956, ch. 453, § 105, 70 Stat 370; Oct. 13, 1964, Pub. L. 88-652, 78 Stat. 1084; June 6, 1972, Pub. L. 92-310, § 220(j), 86 Stat. 205.)

305.17 **§ 123b-1. Redesignation of Senate Recording Studio as Senate Recording and Photographic Studios; rules, regulations, and fees for photographs and photographic services; personnel of Photographic Studio and compensation.**

(a) The Senate Recording Studio hereafter shall be known as the Senate Recording and Photographic Studios. Subject to subsection (b) of this section, all references to the Senate Recording Studio (including the revolving fund) in any law, resolution, or regulation shall be considered as referring to the Senate Recording and Photographic Studios, and any provision of any law, resolution, or regulation which is applicable to the Senate Recording Studio shall be deemed to apply to the Senate Recording and Photographic Studios.

(b)(1) The Sergeant at Arms and Doorkeeper of the Senate shall, subject to the approval of the majority and minority leaders, promulgate rules and regulations, and establish fees, for the provision of photographs and photographic services to be furnished by the Photograhic Studio.

(2) Subject to the approval of the majority and minority leaders, the Sergeant at Arms and Doorkeeper of the Senate is authorized to appoint not more than fifteen employees with such titles, and at such annual rates of compensation, as he deems appropriate, to carry out the functions of the Photographic Studio. Payments of compensation (including agency contributions and longevity compensation as authorized) for personnel employed pursuant to the preceding sentence shall be made by the Secretary of the Senate from funds appropriated for "Salaries, Offi-

cers and Employees" under the heading "SENATE". (July 8, 1980, Pub. L. 96-304, Title I, § 108, 94 Stat. 890.)

§ 123c. Data processing equipment, software, & services. 305.20

Notwithstanding any other provision of law, the Sergeant at Arms, subject to the approval of the Committee on Rules and Administration, is hereafter authorized to enter into multi-year contracts for data processing equipment, software, and services. (June 12, 1975, Pub. L. 94-32, Title I, § 101, 89 Stat. 182; May 4, 1977, Pub. L. 95-26, ch. VII, § 103, 91 Stat. 82.)

§ 123c-1. Computer programming services, advance payments. 305.20-1

That, notwithstanding any other provision of law, the Sergeant at Arms and Doorkeeper of the Senate, subject to the approval of the Committee on Rules and Administration, is hereafter authorized to enter into contracts which provide for the making of advance payments for computer programming services. (Pub. L. 97-20, July 6, 1981, 95 Stat. 104.)

§ 123d. Senate Computer Center. 305.21

(a) Senate Computer Center Revolving Fund.

(1) There is hereby established in the Treasury of the United States a revolving fund within the contingent fund of the Senate to be known as the Senate Computer Center Revolving Fund (hereafter in this section referred to as the "revolving fund").

(2) The revolving fund shall be available only for paying the salaries of personnel employed under subsection (c) of this section, and agency contributions attributable thereto, and for paying refunds under contracts entered into under subsection (b) of this section.

(3) Within 90 days after the end of each fiscal year, the Secretary of the Senate shall withdraw all amounts in the revolving fund in excess of $100,000, other than amounts required to make refunds under subsection (b)(2)(B) of this section, and shall deposit the amounts withdrawn in the Treasury of the United States as miscellaneous receipts.

(b) Contracts for use of Senate computer; approval; terms.

(1) Subject to the provisions of paragraph (2), the Sergeant at Arms and Doorkeeper of the Senate is authorized to enter into contracts with any agency or instrumentality of the legislative branch for the use of any available time on the Senate computer.

(2) No contract may be entered into under paragraph (1) unless it has been approved by the Committee on Rules and Administration of the Senate, and no such contract may extend beyond the end of the fiscal year in which it is entered into. Each contract entered into under paragraph (1) shall contain—

(A) a provision requiring full advance payment for the amount of time contracted for, and

(B) a provision requiring refund of a proportionate amount of such advance payment if the total amount of time contracted for is not used.

Notwithstanding any other provision of law, any agency or instrumentality of the legislative branch is authorized to make advance payments under a contract entered into under paragraph (1).

(c) Additional personnel.

To the extent that the personnel of the Senate Computer Center are unable to carry out the contracts entered into under subsection (b) of this section according to their terms and conditions, the Sergeant at Arms and Doorkeeper of the Senate is authorized to employ such additional personnel for the Senate Computer Center as may be necessary to carry out such contracts, and to pay the salaries of such additional personnel, and agency contributions attributable thereto, from the revolving fund. Such additional personnel may temporarily be assigned to perform the regular functions of the Senate Computer Center when their services are not needed to carry out such contracts.

(d) Disbursements.

Disbursements from the revolving fund under subsections (b) and (c) of this section shall be made upon vouchers signed by the Sergeant at Arms and Doorkeeper of the Senate, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate (June 1, 1976, Pub. L. 94-303, Title I, § 116, 90 Stat. 614.)

306 **§ 125a. Death gratuity payments as gifts.**

Any death gratuity payment at any time specifically appropriated by any Act of Congress or at any time made out of the contingent fund of the House of Representatives or of the Senate shall be held to have been a gift. (June 5, 1952, ch. 369, 66 Stat. 101.)

307.1 **§ 126-2. Official reporters; designation.**

The reporters of debates in the office of the Secretary of the Senate are hereby designated the official reporters of debates of the Senate. (Pub. L. 89-545, § 101, Aug. 27, 1966, 80 Stat. 354.)

307.2 **§ 126b. Same; emergency reporters and transcribers; payment from contingent fund.**

The Secretary of the Senate is hereafter authorized to employ, by contract or otherwise, substitute reporters of debates and expert transcribers at daily rates of compensation, or temporary reporters of debates and expert transcribers at annual rates of compensation; no temporary reporters of debates or expert transcribers may be employed under authority of this provision for more than ninety days in any fiscal year; and payments made under authority of this proviso shall be made from the contingent fund of the Senate upon vouchers approved by the Secretary of the Senate. (Pub. L. 89-90, § 101, July 27, 1965, 79 Stat. 266; June 5, 1981, Pub. L. 97-12, § 105, 95 Stat. 61.)

310 **§ 130a. Nonpay status for the Congressional employees studying under Congressional staff fellowships.**

With respect to each employee of the Senate or House of Representatives—

(1) whose compensation is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives, and

(2) who, on or after January 1, 1963, shall have been separated from employment with the Senate or House of Representatives in order to pursue certain studies under a congressional staff fellowship awarded by the American Political Science Association.

the period of time covered by such fellowship shall be held and considered to be service (in a nonpay status) in employment with the Senate or House of Representatives, as the case may be, at the rate of compensation received immediately prior to separation (including any increases in compensation provided by law during the period covered by such fellowship) for the purposes of—

(A) the Civil Service Retirement Act, as amended,

(B) the Federal Employees' Group Life Insurance Act of 1954, as amended, and

(C) the Federal Employees' Health Benefits Act of 1959, as amended,

if the award of such fellowship to such employee is certified to the Secretary of the Senate or the Clerk of the House of Representatives, as appropriate, by the appointing authority concerned or, in the event of the death or disability of such appointing authority, is established to the satisfaction of the Secretary of the Senate or the Clerk of the House by records or other evidence. (Mar. 30, 1966, Pub. L. 89-379; 80 Stat. 94.)

§ 130b. Jury and witness service by employees of the Senate and the House. 311

(a) For purposes of this section—

(1) "employee" means any individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives; and

(2) "court of the United States" has the meaning given it by section 451 of title 28, and includes the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands.

(b) The pay of an employee shall not be reduced during a period of absence with respect to which the employee is summoned (and permitted to respond to such summons by the appropriate authority of the House of the Congress disbursing his pay), in connection with a judicial proceeding by a court or authority responsible for the conduct of that proceeding, to serve—

(1) as a juror; or

(2) other than as provided in subsection (c) of this section, as a witness on behalf of any party in connection with any judicial proceeding to which the United States, the District of Columbia, or a State or local government party;

in the District of Columbia, a State territory, or possession of the United States including the Commonwealth of Puerto Rico, the Canal Zone, or the Trust Territory of the Pacific Islands. For purposes of this subsection, "judicial proceeding" means any action, suit, or other judicial proceeding, including any condemnation, preliminary, informational, or other proceeding of a judicial nature, but does not include an administrative proceeding.

(c) An employee is performing official duty during the period with respect to which he is summoned (and is authorized to respond to such summons by the House of the Congress disbursing his pay), or is assigned by such House, to—

(1) testify or produce official records on behalf of the United States or the District of Columbia; or

(2) testify in his official capacity or produce official records on behalf of a party other than the United States or the District of Columbia.

(d)(1) An employee may not receive fees for service—

(A) as juror in a court of the United States or the District of Columbia; or

(B) as a witness on behalf of the United States or the District of Columbia.

(2) If an employee receives as amount (other than travel expenses) for service as a juror or witness during a period in which his pay may not be reduced under subsection (b) of this section, or for which he is performing official duty under subsection (c) of this section, the employee shall remit such amount to the officer who disburses the pay of the employee, which amount shall be covered into the general fund of the Treasury as miscellaneous receipts.

(e)(1) An employee summoned (and authorized to respond to such summons by the House of the Congress disbursing his pay), or assigned by such House, to testify or produce official records on behalf of the United States is entitled to travel expenses. If the case involves an activity in connection with which he is employed, the travel expenses shall be paid from funds otherwise available for the payment of travel expenses of such House in accordance with travel regulations of that House. If the case does not involve such an activity, the department, agency, or independent establishment of the United States on whose behalf he is so testifying or producing records shall pay to the employee his travel expenses out of appropriations otherwise available, and in accordance with regulation applicable, to that department, agency, or independent establishment for the payment of travel expenses.

(2) An employee summoned (and permitted to respond to such summons by the House of the Congress disbursing his pay), or assigned by such House, to testify in his official capacity or produce official records on behalf of a party other than the United States, is entitled to travel expenses, unless any travel expenses are paid to the employee for his appearance by the court, authority, or party which caused him to be summoned.

(f) The Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives are authorized to prescribe, for employees of their respective Houses, such rules and regulations as may be necessary to carry out the provisions of this section.

(g) No provision of this section shall be construed to confer the consent of either House of the Congress to the production of official records of that House or to testimony by an employee of the House concerning activities related to his employment. (Dec. 19, 1970, Pub. L. 91-563, § 6, 84 Stat. 1478; June 15, 1976, Pub. L. 94-310, § 2, 90 Stat. 687.)

312 § 130c. Waiver by Secretary of the Senate of claims of the United States arising out of erroneous payments to Vice President, Senator, or Senate employee whose pay is disbursed by the Secretary of the Senate.

(a) A claim of the United States against a person arising out of an erroneous payment of any pay or allowances, other than travel and transportation expenses and allowances, on or after July 25, 1974, to the

Vice President, a Senator, or to an officer or employee whose pay is disbursed by the Secretary of the Senate, the collection of which would be against equity and good conscience and not in the best interests of the United States, may be waived in whole or in part by the Secretary of the Senate, if the claim is not the subject of an exception made by the Comptroller General in the account of any accountable officer or official. An application for waiver shall be investigated by the Financial Clerk of the Senate who shall submit a written report of his investigation to the Secretary of the Senate. An application for waiver of a claim in an amount aggregating more than $500 shall also be investigated by the Comptroller General of the United States who shall submit a written report of his investigation to the Secretary of the Senate.

(b) The Secretary of the Senate may not exercise his authority under this section to waive any claim—

(1) if, in his opinion, there exists, in connection with the claim, an indication of fraud, misrepresentation, fault, or lack of good faith on the part of the Vice President, the Senator, the officer or employee, or any other person having an interest in obtaining a waiver of the claim; or

(2) if the application for waiver is received in his office after the expiration of 3 years immediately following the date on which the erroneous payment of pay or allowances was discovered.

(c) In the audit and settlement of accounts of any accountable officer or official, full credit shall be given for any amounts with respect to which collection by the United States is waived under this section.

(d) An erroneous payment, the collection of which is waived under this section, is deemed a valid payment for all purposes.

(e) This section does not affect any authority under any other law to litigate, settle, compromise, or waive any claim of the United States.

(f) The Secretary of the Senate shall promulgate rules and regulations to carry out the provisions of this section. (July 25, 1974, Pub. L. 93-359, § 2, 88 Stat. 394.)

Chapter 5.—LIBRARY OF CONGRESS

§ 131. Collections composing Library; location. 315

The Library of Congress, composed of the books, maps, and other publications which on December 1, 1873, remained in existence, from the collections theretofore united under authority of law and those added from time to time by purchase, exchange, donation, reservation from publications ordered by Congress, acquisition of material under the copyright law, and otherwise, shall be preserved in the Library Building. (R.S. § 80; Feb. 19, 1897, ch. 265, § 1, 29 Stat. 545, 546; Oct. 19, 1976, Pub. L. 94-553, § 105(g), 90 Stat. 2599; Dec. 22, 1987, Pub. L. 100-202, § 101(i) [Title III], § 310, 101 Stat. 1329-310.)

§ 132. Departments of Library. 316

The Library of Congress shall be arranged in two departments, a general library and a law library. (R.S. § 81.)

§ 132a. Appropriations for increase of general library. 317

The unexpended balance of any sums appropriated by Congress for the increase of the general library, together with such sums as may hereafter be appropriated to the same purpose, shall be paid out under the direction of the Joint Committee of Congress on the Library. (R.S. § 82; Feb. 7, 1902, No. 5, 32 Stat. 735; Aug. 2, 1946, ch. 753, § 223, 60 Stat. 838.)

CROSS REFERENCE

Librarian of Congress to make rules and regulations for government of library, see section 136 of this title (Senate Manual section **320**).

318 § 132b. Joint Committee on the Library.

The Joint Committee of Congress on the Library shall, on and after January 3, 1947, consist of the chairman and four members of the Committee on Rules and Administration of the Senate and the chairman and four members of the Committee on House Administration of the House of Representatives. (Aug. 2, 1946, ch. 753, § 223, 60 Stat. 838.)

319 § 133. Joint Committee during recess of Congress.

The portion of the Joint Committee of Congress on the Library on the part of the Senate remaining in office as Senators shall during the recess of Congress exercise the powers and discharge the duties conferred by law upon the Joint Committee of Congress on the Library. (Mar. 3, 1883, ch. 141, § 2, 22 Stat. 592; Aug. 2, 1946, ch. 753, § 223, 60 Stat. 838.)

320 § 136. Librarian of Congress; appointment; rules and regulations.

The Librarian of Congress shall be appointed by the President, by and with the advice and consent of the Senate. He shall make rules and regulations for the government of the Library. (Feb. 19, 1897, ch. 265, § 1, 29 Stat. 544, 546; June 6, 1972, Pub. L. 92-310, § 220(f), 86 Stat. 204.)

NOTE

Section 904 of Pub. L. 98-63, 97 Stat. 336, July 29, 1983, provided:

SEC. 904. (a) Subject to subsection (b) of this section and notwithstanding any other provision of law—

(1) the compensation of the Librarian of Congress shall be at an annual rate which is equal to the annual rate of basic pay payable for positions at level III of the Executive Schedule under section 5314 of title 5, United States Code, and

(2) the compensation of the Deputy Librarian of Congress shall be at an annual rate which is equal to the annual rate of basic pay payable for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(b) The limitations contained in section 306 of S. 2939, Ninety-seventh Congress, as made applicable by section 101(e) of Public Law 97-276 (as amended by section 128(a) of Public Law 97-377), shall, after application of section 128(b) of Public Law 97-377, be applicable to the compensation of the Librarian of Congress and the Deputy Librarian of Congress, as fixed by subsection (a) of this section.

320.1 § 136a. Librarian of Congress; compensation.

The compensation of the Librarian of Congress shall be at an annual rate which is equal to the rate for positions at level IV of the Executive Schedule. (Pub. L. 88-426, Title II, § 203(c), Aug. 14, 1964, 78 Stat. 415, amended Pub. L. 90-206, Title II, §§ 219(2), 225(h), Dec. 16, 1967, 81 Stat. 639, 644; Pub L. 94-82, Title II, § 204(b), Aug. 9, 1975, 89 Stat. 421.)

§ 136a-1. Deputy Librarian of Congress; compensation. 320.2

The compensation of the Deputy Librarian of Congress shall be at an annual rate which is equal to the rate for positions at level V of the Executive Schedule. (Pub. L. 88-426, Title II, § 203(d), Aug. 14, 1964, 78 Stat. 415, amended Pub. L. 90-206, Title II, §§ 219(3), 225(h), Dec. 16, 1967, 81 Stat. 639, 644; Pub. L. 94-82, Title II, § 204(b), Aug. 9, 1975, 89 Stat. 421.)

§ 137a. Persons specially privileged to use Library. 321

Section 94 of the Revised Statutes is now covered by last sentence of section 136 of this title, which gave Librarian of Congress power to make rules and regulations for government of library.

JOINT COMMITTEE REPORT 321.1

With reference to this section the Joint Committee on the Library, in an official report March 3, 1897 (54th Cong., 2d Sess., Senate Report 1573) declared:

"Heretofore the Joint Committee on the Library has had authority to approve such rules and regulations as have been made by the Librarian of Congress, but the provision of law under which the Joint Committee has hitherto passed upon said rules and regulations would appear to be repealed by the more recent act (section 136 of this title) which places this power in the hands of the Librarian of Congress."

§ 138. Law library open, when. 322

The law library shall be kept open every day so long as either House of Congress is in session. (July 11, 1888, ch. 615, § 1, 25 Stat. 262.)

§ 139. Report of Librarian of Congress. 323

The Librarian of Congress shall make to Congress not later than April 1, a report for the preceding fiscal year, as to the affairs of the Library of Congress, including the copyright business, and said report shall also include a detailed statement of all receipts and expenditures on account of the Library and said copyright business. (Feb. 19, 1897, ch. 265, § 1, 29 Stat. 546; April 21, 1976, Pub. L. 94-273, § 30, 90 Stat. 380.)

§ 145. Copies of Journals and Documents. 324

Two copies of the Journals and Documents, and of each book printed by either House of Congress, bound as provided in sections 501 and 1123 of title 44, shall be deposited in the Library. (R.S. § 97.)

CROSS REFERENCES

Copies of House and Senate documents to be deposited with Library of Congress, see section 701 of title 44, United States Code (Senate Manual section **613** and footnote thereto).

Distribution of printed copies of Journals of Senate and House of Representatives, see section 713 of title 44, United States Code (Senate Manual section **623**).

§ 145a. Periodical binding of printed hearings of committee testimony. 325

The Librarian of the Library of Congress is authorized and directed to have bound at the end of each session of Congress the printed hearings of testimony taken by each committee of the Congress at the preceding session. (Aug. 2, 1946, ch. 753, § 141, 60 Stat. 834.)

§ 146. Deposit of Journals of Senate and House. 326

Twenty-five copies of the public Journals of the Senate, and of the House of Representatives, shall be deposited in the Library of the United States, at the seat of government, to be delivered to Members of Congress during any session, and to all other persons authorized by law to use the books in the Library, upon their application to the librarian, and giving their responsible receipts for the same, in like manner as for other books. (R.S. § 98.)

327 § 154. Library of Congress Trust Fund Board; members; quorum; seal; rules and regulations.

A board is created and established, to be known as the Library of Congress Trust Fund Board (hereinafter referred to as the board), which shall consist of the Secretary of the Treasury (or an Assistant Secretary designated in writing by the Secretary of the Treasury), the chairman of the Joint Committee on the Library, the Librarian of Congress, and two persons appointed by the President for a term of five years each (the first appointments being for three and five years, respectively). Three members of the board shall constitute a quorum for the transaction of business, and the board shall have an official seal, which shall be judicially noticed. The board may adopt rules and regulations in regard to its procedure and the conduct of its business. (Mar. 3, 1925, ch. 423, § 1, 43 Stat. 1107; May 12, 1978, Pub. L. 95-277, 92 Stat. 236.)

328 § 156. Same; gifts, etc., to.

The board is authorized to accept, receive, hold, and administer such gifts, bequests, or devices of property for the benefit of, or in connection with, the Library, its collections, or its service, as may be approved by the board and by the Joint Committee on the Library. (Apr. 13, 1936, ch. 213, 49 Stat. 1205.)

329 § 157. Same; trust funds; management of.

The moneys or securities composing the trust funds given or bequeathed to the board shall be receipted for by the Secretary of the Treasury, who shall invest, reinvest, or retain investments as the board may from time to time determine. The income as and when collected shall be deposited with the Treasurer of the United States, who shall enter it in a special account to the credit of the Library of Congress and subject to disbursement by the librarian for the purposes in each case specified; and the Treasurer of the United States is authorized to honor the requisitions of the librarian made in such manner and in accordance with such regulations as the Treasurer may from time to time prescribe: *Provided, however,* That the board is not authorized to engage in any business nor to exercise any voting privilege which may be incidential to securities in its hands, nor shall the board make any investments that could not lawfully be made by a trust company in the District of Columbia, except that it may make any investments directly authorized by the instrument of gift, and may retain any investments accepted by it. (Mar. 3, 1925, ch. 423, § 2, 43 Stat. 1107; Apr. 13, 1936, ch. 213, 49 Stat. 1205.)

330 § 158. Same; deposits with Treasurer of United States.

In the absence of any specitication to the contrary, the board may deposit the principal sum, in cash, with the Treasurer of the United States as a permanent loan to the Uhited States Treasury, and the Treasurer shall thereafter credit such deposit with interest at the rate of 4 per centum per annum, payable semi-annually, such interest, as income, being subject to disbursement by the Librarian of Congress for the purposes specified: *Provided, however,* That the total of such principal sums at any time so held by the Treasurer under this authorization shall not exceed the sum of $10,000,000. (Mar. 3, 1925, ch. 423, § 2, 43 Stat. 1107; Apr. 13, 1936, ch. 213, 49 Stat. 1205; June 23, 1936, ch. 734, 49 Stat. 1894; July 3, 1962, Pub. L. 87-522, 76 Stat. 135.)

§ 159. Same; perpetual succession; suits by or against. 331

The board shall have perpetual succession, with all the usual powers and obligations of a trustee, including the power to sell, except as herein limited, in respect of all property, moneys, or securities which shall be conveyed, transferred, assigned, bequeathed, delivered, or paid over to it for the purposes above specified. The board may be sued in the United States District Court for the District of Columbia, which is given jurisdiction of such suits, for the purpose of enforcing the provisions of any trust accepted by it. (Mar. 3, 1925, ch. 423, § 3, 43 Stat. 1108; Jan. 27, 1926, ch. 6, § 1, 44 Stat. 2; June 25, 1936, ch. 804, 49 Stat. 1921; May 24, 1949, ch. 139, § 127, 63 Stat. 107.)

§ 160. Same; gifts, etc., to Library not affected. 332

Nothing in sections 154-163 of this title shall be construed as prohibiting or restricting the Librarian of Congress from accepting in the name of the United States gifts or bequests of money for immediate disbursement in the interest of the Library, its collections, or its service. Such gifts or bequests, after acceptance by the librarian, shall be paid by the donor or his representative to the Treasurer of the United States, whose receipts shall be their acquittance. The Treasurer of the United States shall enter them in a special account to the credit of the Library of Congress and subject to disbursement by the librarian for the purposes in each case specified. (Mar. 3, 1925, ch. 423, § 4, 43 Stat. 1108.)

§ 161. Same; gifts, etc., exempt from Federal taxes. 333

Gifts or bequests or devises to or for the benefit of the Library of Congress, including those to the board, and the income therefrom, shall be exempt from all Federal taxes, including all taxes levied by the District of Columbia. (Oct. 2, 1942, ch. 576, 56 Stat. 765.)

§ 166. Congressional Research Service. 334

(a) The Legislative Reference Service in the Library of Congress is hereby continued as a separate department in the Library of Congress and is redesignated the "Congressional Research Service". 334.1

(b) It is the policy of Congress that— 334.2

(1) the Librarian of Congress shall, in every possible way, encourage, assist, and promote the Congressional Research Service in—

(A) rendering to Congress the most effective and efficient service,

(B) responding most expeditiously, effectively, and efficiently to the special needs of Congress, and

(C) discharging its responsibilities to Congress;

and

(2) the Librarian of Congress shall grant and accord to the Congressional Research Service complete research independence and the maximum practicable administrative independence consistent with these objectives.

334.3 (c)(1) After consultation with the Joint Committee on the Library, the Librarian of Congress shall appoint the Director of the Congressional Research Service. The compensation of the Director of the Congressional Research Service, Library of Congress, shall be at an annual rate which is equal to the annual rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of Title 5.

(2) The Librarian of Congress upon the recommendation of the Director, shall appoint a Deputy Director of the Congressional Research Service and all other necessary personnel thereof. The basic pay of the Deputy Director shall be fixed in accordance with chapter 51 (relating to classification) and subchapter III (relating to General Schedule pay rates) of chapter 53 of title 5, but without regard to section 5108(a) of such title. The basic pay of all other necessary personnel of the Congressional Research Service shall be fixed in accordance with chapter 51 (relating to classification) and subchapter III (relating to General Schedule pay rates) of chapter 53 of title 5, except that—

(A) the grade of Senior Specialist in each field within the purview of subsection (e) of this section shall not be less than the highest grade in the executive branch of the Government to which research analysts and consultants, without supervisory responsibility, are currently assigned; and

(B) the positions of Specialist and Senior Specialist in the Congressional Research Service may be placed in GS-16, 17, and 18 of the General Schedule of section 5332 of title 5, without regard to section 5108(a) of such title, subject to the prior approval of the Joint Committee on the Library, of the placement of each such position in any of such grades.

(3) Each appointment made under paragraphs (1) and (2) of this subsection and subsection (e) of this section shall be without regard to the civil service laws, without regard to political affiliation, and solely on the basis of fitness to perform the duties of the position.

334.4 (d) It shall be the duty of the Congressional Research Service, without partisan bias—

(1) upon request, to advise and assist any committee of the Senate or House of Representatives and any joint committee of Congress in the analysis, appraisal, and evaluation of legislative proposals within that committee's jurisdiction, or of recommendations submitted to Congress, by the President or any executive agency, so as to assist the committee in—

(A) determining the advisability of enacting such proposals;

(B) estimating the probable results of such proposals and alternative thereto; and

(C) evaluating alternative methods for accomplishing those results;

and, by providing such other research and analytical services as the committee considers appropriate for these purposes, otherwise to assist in furnishing a basis for the proper evaluation and determination of legislative proposals and recommendations generally; and in the performance of this duty the Service shall have authority, when so authorized by a committee and acting as the agent of that committee, to request of any department or agency of the United States the production of such books, records, correspondence, memoranda, papers, and documents as the Service considers necessary, and such department or agency of the United States shall comply with such request; and, further, in the performance of this and any other relevant duty, the Service shall maintain continuous liaison with all committees;

(2) to make available to each committee of the Senate and House of Representatives and each joint committee of the two Houses, at the opening of a new Congress, a list of programs and activities being carried out under existing law scheduled to terminate during the current Congress, which are within the jurisdiction of the committee;

(3) to make available to each committee of the Senate and House of Representatives and each joint committee of the two Houses, at the opening of a new Congress, a list of subjects and policy areas which the committee might profitably analyze in depth;

(4) upon request, or upon its own initiative in anticipation of requests, to collect, classify, and analyze in the form of studies, reports, compilations, digests, bulletins, indexes, translations, and otherwise, data having a bearing on legislation, and to make such data available and serviceable to committees and Members of the Senate and House of Representatives and joint committees of Congress;

(5) upon request, or upon its own initiative in anticipation of requests, to prepare and provide information, research, and reference materials and services to committees and Members of the Senate and House of Representatives and joint committees of Congress to assist them in their legislative and representative functions;

(6) to prepare summaries and digests of bills and resolutions of a public general nature introduced in the Senate or House of Representatives;

(7) upon request made by any committee or Member of the Congress, to prepare and transmit to such committee or Member a concise memorandum with respect to one or more legislative measures upon which hearings by any committee of the Congress have been announced, which memorandum shall contain a statement of the purpose and effect of each such measure, a description of other relevant measures of similar purpose or effect previously introduced in the Congress, and a recitation of all action taken theretofore by or within the Congress with respect to each such other measure; and

(8) to develop and maintain an information and research capability, to include Senior Specialists, Specialists, other employees, and consultants, as necessary, to perform the functions provided for in this subsection.

(e) The Librarian of Congress is authorized to appoint in the Congressional Research Service, upon the recommendation of the Director, Specialists and Senior Specialists in the following broad fields: 334.5

(1) agriculture;
(2) American government and public administration;
(3) American public law;
(4) conservation;
(5) education;
(6) engineering and public works;

(7) housing;
(8) industrial organization and corporation finance;
(9) international affairs;
(10) international trade and economic geography;
(11) labor and employment;
(12) mineral economics;
(13) money and banking;
(14) national defense;
(15) price economics;
(16) science;
(17) social welfare;
(18) taxation and fiscal policy;
(19) technology;
(20) transportation and communications;
(21) urban affairs;
(22) veterans' affairs; and
(23) such other broad fields as the Director may consider appropriate.

Such Specialists and Senior Specialists, together with such other employees of the Congressional Research Service as may be necessary, shall be available for special work with the committees and Members of the Senate and House of Representatives and the joint committees of Congress for any of the purposes of subsection (d) of this section.

334.6 (f) The Director is authorized—

(1) to classify, organize, arrange, group, and divide, from time to time, as he considers advisable, the requests for advice, assistance, and other services submitted to the Congressional Research Service by committees and Members of the Senate and House of Representatives and joint committees of Congress, into such classes and categories as he considers necessary to—

(A) expedite and facilitate the handling of the individual requests submitted by Members of the Senate and House of Representatives,

(B) promote efficiency in the performance of services for committees of the Senate and House of Representatives and joint committees of Congress, and

(C) provide a basis for the efficient performance by the Congressional Research Service of its legislative research and related functions generally,

and

(2) to establish and change, from time to time, as he considers advisable, within the Congressional Research Service, such research and reference divisions or other organizational units, or both, as he considers necessary to accomplish the purposes of this section.

334.7 (g) The Director of the Congressional Research Service will submit to the Librarian of Congress for review, consideration, evaluation, and approval, the budget estimates of the Congressional Research Service for inclusion in the Budget of the United States Government.

334.8 (h)(1) The Director of the Congressional Research Service may procure the temporary or intermittent assistance of individual experts or consultants (including stenographic reporters) and of persons learned in particular or specialized fields of knowledge—

(A) by nonpersonal service contract, without regard to any provision of law requiring advertising for contract bids, with the individual expert, consultant, or other person concerned, as an independent contractor, for the furnishing by him to the Congressional Research Service of a written study, treatise, theme, discourse, dissertation, thesis, summary, advisory opinion, or other end product; or

(B) by employment (for a period of not more than one year) in the Congressional Research Service of the individual expert, consultant, or other person concerned, by personal service contract or otherwise, without regard to the position classification laws, at a rate of pay not in excess of the per diem equivalent of the highest rate of basic pay then currently in effect for the General Schedule of section 5332 of title 5, including payment of such rate for necessary travel time.

(2) The Director of the Congressional Research Service may procure by contract, without regard to any provision of law requiring advertising for contract bids, the temporary (for respective periods not in excess of one year) or intermittent assistance of educational, research, or other organizations of experts and consultants (including stenographic reporters) and of educational, research, and other organizations of persons learned in particular or specialized fields of knowledge.

(i) The Director of the Congressional Research Service shall prepare and file with the Joint Committee on the Library at the beginning of each regular session of Congress a separate and special report covering, in summary and in detail, all phases of activity of the Congressional Research Service for the immediately preceding fiscal year. **334.9**

(j) There are hereby authorized to be appropriated to the Congressional Research Service each fiscal year such sums as may be necessary to carry on the work of the Service. (Aug. 2, 1946, ch. 753, § 203(a)(b), 60 Stat. 836; Oct. 28, 1949, ch. 782, § 1106(a), 63 Stat. 972; Oct. 26, 1970, Pub. L. 91-510, § 321, 84 Stat. 1181; as amended Nov. 14, 1985, Pub. L. 99-151, § 104, 99 Stat. 802; Dec. 19, 1985, Pub. L. 99-190, § 133, 99 Stat. 1322.) **334.10**

NOTE

The provision under the heading "Libarary of Congress" and the subheadings "Congressional Research Service" and "Salaries and Expenses" contained in the Joint Resolution entitled "Joint Resolution making further continuing appropriations for the fiscal year 1988, and for other purposes", approved December 22, 1987 (101 Stat. 1329-303), provided, in part, that:

". . . Notwithstanding any other provision of law, the compensation for the Director of the Congressional Research Service, Library of Congress, shall be at an annual rate which is equal to the annual rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code."

Chapter 6.—CONGRESSIONAL AND COMMITTEE PROCEDURE: INVESTIGATIONS

§ 190. Determination of Senate committee jurisdiction.

(Repealed by sec. 3(b) of S. Res. 4, 95th Congress. For rule on same, see Senate Manual section **17.1.**)

§ 190a. Committee meetings—Regular, additional, and special meetings.

(a) (Repealed by sec. 2 of S. Res. 274, 96th Congress. For rule on same, see Senate Manual section **26.3.**)

(b) (Repealed by sec. 2 of S. Res. 274, 96th Congress. For rule on same, see Senate Manual section **26.7b.**)

(c) (Repealed by sec. 2 of S. Res. 274, 96th Congress. For rule on same, see Senate Manual section **26.10b.**)

(d) (Repealed by sec. 2 of S. Res. 274, 96th Congress. For rules on same, see Senate Manual sections **26.7a, 26.7c.**)

(e) (Repealed by sec. 2 of S. Res. 274, 96th Congress. For rule on same, see Senate Manual section **26.10c.**)

(f) (Repealed by sec. 2 of S. Res. 274, 96th Congress. For rule on same, see Senate Manual section **17.5.**)

(g) (Repealed by sec. 2 of S. Res. 274, 96th Congress. For rules on same, see Senate Manual sections **26.9, 27.2.**)

(h) (Repealed by sec. 2 of S. Res. 274, 96th Congress. For rule on same, see Senate Manual section **26.**)

§ 190a-1. Senate committee hearing procedure.

(a) (Repealed by sec. 2 of S. Res. 274, 96th Congress. For rule on same, see Senate Manual section **26.4a.**)

(c) (Repealed by sec. 2 of S. Res. 274, 96th Congress. For rule on same, see Senate Manual section **26.4b.**)

(d) (Repealed by sec. 2 of S. Res. 274, 96th Congress. For rule on same, see Senate Manual section **26.4c.**)

(e) (Repealed by sec. 2 of S. Res. 274, 96th Congress. For rule on same, see Senate Manual section **26.4d.**)

(f) (Repealed by sec. 2 of S. Res. 274, 96th Congress. For rule on same, see Senate Manual section **17.4b.**)

§ 190a-2. Senate committee rules; amendments; publication in Congressional Record.

(Repealed by sec. 2 of S. Res. 274, 96th Congress. For rule on same, see Senate Manual section **26.2.**)

§ 190b. Authority of Senate standing committees and subcommittees; sitting while Senate in session, Committee on Appropriations of the Senate: exception.

(a) (Repealed by sec. 2 of S. Res. 274, 96th Congress. For rule on same, see Senate Manual section **26.1.**)

§ 190c. Senate conference reports.

(a) (Repealed by sec. 2 of S. Res. 274, 96th Congress. For rule on same, see Senate Manual section **28.3.**)

(b) (Repealed by sec. 2 of S. Res. 274, 96th Congress. For rule on same, see Senate Manual section **28.3.**)

(c) (Repealed by sec. 2 of S. Res. 274, 96th Congress. For rule on same, see Senate Manual section **28.4.**)

(d) (Repealed by sec. 2 of S. Res. 274, 96th Congress. For rule on same, see Senate Manual section **28.5.**)

§ 190d. Legislative review by standing committees of the Senate and the House of Representatives.

(a) (Repealed with respect to the Senate by sec. 2 of S. Res. 274, 96th Congress. For rule on same, see Senate Manual section **26.8a.**)

(b) (Repealed with respect to the Senate by sec. 2 of S. Res. 274, 96th Congress. For rule on same, see Senate Manual section **26.8b.**)

(c) (Repealed with respect to the Senate by sec. 2 of S. Res. 274, 96th Congress. For rule on same, see Senate Manual section **26.8.**)

§ 190f. General appropriation bills.

(a) (Repealed.)

(b) (Executed.)

(c) (Repealed with respect to the Senate by sec. 2 of S. Res. 274, 96th Congress. For rule on same, see Senate Manual section **16.8.**)

§ 190g. Nonconsideration of certain private bills and resolutions.

(Repealed with respect to the Senate by sec. 2 of S. Res. 274, 96th Congress. For rule on same, see Senate Manual section **14.10.**)

§ 190i. Action and procedure of Committee on Appropriations of the Senate; concurrence of majority members present; proxy voting; ratification of action taken; tabulation of votes; proxy voting and quorum rules.

(Repealed by sec. 2 of S. Res. 274, 96th Congress. For rule on same, see Senate Manual section **26.7a.**)

§ 190j. Cost estimates in reports of Senate committees accompanying certain legislative measures; Committee on Appropriations exception; report information; Senate members of Joint Committee on Atomic Energy as members of committee of Senate.

(a) (Repealed by sec. 2 of S. Res. 274, 96th Congress. For rule on same, see Senate Manual sections **26.11a, 26.11c.**)

§ 190k. Appropriations on annual basis for continuing programs and activities; review by Senate and joint committees; Committee on Appropriations of the Senate, exception.

(a) (Repealed by sec. 2 of S. Res. 274, 96th Congress. For rule on same, see Senate Manual section **26.13a.**)

(b) (Repealed by sec. 2 of S. Res. 274, 96th Congress. For rule on same, see Senate Manual section **26.13b.**)

§ 191. Oaths to witnesses. 348

The President of the Senate, the Speaker of the House of Representatives, or a chairman of any joint committee established by a joint or concurrent resolution of the two Houses of Congress, or of a committee of the whole, or of any committee of either House of Congress, is empowered to administer oaths to witnesses in any case under their examination.

Any Member of either House of Congress may administer oaths to witnesses in any matter depending in either House of Congress of which he is a Member, or any committee thereof. (June 26, 1884, ch. 123, 23 Stat. 60; June 22, 1938, ch. 594, 52 Stat. 942, 943.)

349 **§ 192. Refusal of witness to testify.**

Every person who having been summoned as a witness by the authority of either House of Congress to give testimony or to produce papers upon any matter under inquiry before either House, or any joint committee established by a joint or concurrent resolution of the two Houses of Congress, or any committee of either House of Congress willfully makes default, or who, having appeared, refuses to answer any question pertinent to the question under inquiry, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than $1,000 nor less than $100 and imprisonment in a common jail for not less than one month nor more than twelve months. (June 22, 1938, ch. 594, 52 Stat. 942.)

350 **§ 193. Privilege of witnesses.**

No witness is privileged to refuse to testify to any fact, or to produce any paper, respecting which he shall be examined by either House of Congress, or by any joint committee established by a joint or concurrent resolution of the two Houses of Congress, or by any committee of either House, upon the ground that his testimony to such fact or his production of such paper may tend to disgrace him or otherwise render him infamous. (June 22, 1938, ch. 594, 52 Stat. 942.)

351 **§ 194. Witnesses failing to testify or produce records.**

Whenever a witness summoned as mentioned in section 192 of this title fails to appear to testify or fails to produce any books, papers, records, or documents, as required, or whenever any witness so summoned refuses to answer any question pertinent to the subject under inquiry before either House, or any joint committee established by a joint or concurrent resolution of the two Houses of Congress, or any committee or subcommittee of either House of Congress, and the fact of such failure or failures is reported to either House while Congress is in session, or when Congress is not in session, a statement of fact constituting such failure is reported to and filed with the President of the Senate or the Speaker of the House, it shall be the duty of the said President of the Senate or Speaker of the House, as the case may be, to certify, and he shall so certify, the statement of facts aforesaid under the seal of the Senate or House, as the case may be, to the appropriate United States attorney, whose duty it shall be to bring the matter before the grand jury for its action. (June 22, 1938, ch. 594, 52 Stat. 942.)

351.5 **§ 194a. Request by congressional committees to Presidential appointees to Federal departments, agencies, etc., concerned with foreign countries as multilateral organizations for expression of views and opinions.**

Upon the request of a committee of either House of Congress, a joint committee of Congress, or a member of such committee, any officer or employee of the Department of State, the United States Information Agency, the Agency for International Development, the United States Arms Control and Disarmament Agency, or any other department, agency, or independent establishment of the United States Government primarily concerned with matters relating to foreign countries or multilateral organizations, may express his views and opinions, and make recommendations he considers appropriate, if the request of the committee or member of the committee relates to a subject which is within the jurisdiction of that committee. (July 13, 1972, Pub. L. 92-352, § 502, 86 Stat. 496; Oct. 18, 1973, Pub. L. 93-126, § 17, 87 Stat. 455.)

§ 194b. Competitiveness impact statement. 351.6

(a) The President or the head of the appropriate department or agency of the Federal Government shall include in every recommendation or report made to the Congress on legislation which may affect the ability of United States firms to compete in domestic and international commerce a statement of the impact of such legislation on—

(1) the international trade and public interest of the United States, and

(2) the ability of United States firms engaged in the manufacture, sale, distribution, or provision of goods or services to compete in foreign or domestic markets.

(b) This section provides no private right of action as to the need for or adequacy of the statement required by subsection (a).

(c) This section shall cease to be effective six years from August 23, 1988. (August 23, 1988, Pub. L. 100-418, § 5421, 102 Stat. 1468.)

§ 195a. Restriction on payment of witness fees or travel and subsistence expenses to persons subpenaed by Congressional committees. 352

No part of any appropriation disbursed by the Secretary of the Senate shall be available hereafter for the payment to any person, at the time of the service upon him of a subpena requiring his attendance at any inquiry or hearing conducted by any committee of the Congress or of the Senate or any subcommittee of any such committee, of any witness fee or any sum of money as an advance payment of any travel or subsistence expense which may be incurred by such person in responding to that subpena. (July 12, 1960, Pub. L. 86-628, 74 Stat. 449.)

§ 195b. Fees for witnesses requested to appear before Majority Policy Committee or Minority Policy Committee. 352.5

Any witness requested to appear before the Majority Policy Committee or the Minority Policy Committee shall be entitled to a witness fee for each full day spent in traveling to and from the place at which he is to appear, and reimbursement of actual and necessary transportation expenses incurred in traveling to and from that place, at rates not to exceed those rates paid witnesses appearing before committees of the Senate. (Aug. 13, 1974, Pub. L. 93-371, § 101(7), 88 Stat. 431.)

§ 196. Senate resolutions for investigations; limit of cost. 353

Senate resolutions providing for inquiries and investigations shall contain a limit of cost of such investigation, which limit shall not be exceeded except by vote of the Senate authorizing additional amounts. (Mar. 3, 1926, ch. 44, § 1, 44 Stat. 162.)

§ 198. Adjournment. 354

(a) Unless otherwise provided by the Congress the two Houses shall—

(1) adjourn sine die not later than July 31 of each year; or

(2) in the case of an odd-numbered year, provide, not later than July 31 of such year, by concurrent resolution adopted in each House by rollcall vote, for the adjournment of the two Houses from that Friday in August which occurs at least thirty days before the first

Monday in September (Labor Day) of such year to the second day after Labor Day.

(b) This section shall not be applicable in any year if on July 31 of such year a state of war exists pursuant to a declaration of war by the Congress. (Aug. 2, 1946, ch. 753, § 132, 60 Stat. 831; Oct. 26, 1970, Pub. L. 91-510, § 461, 84 Stat. 1193.)

Chapter 8A.—REGULATION OF LOBBYING

373 § 261. Definitions.

When used in this chapter—

(a) The term "contribution" includes a gift, subscription, loan, advance, or deposit of money or anything of value and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution.

(b) The term "expenditure" includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure.

(c) The term "person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons.

(d) The term "Clerk" means the Clerk of the House of Representatives of the United States.

(e) The term "legislation" means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress and includes any other matter which may be the subject of action by either House. (Aug. 2, 1946, ch. 753, § 302, 60 Stat. 839.)

374 § 262. Detailed accounts of contributions; retention of receipted bills of expenditures.

(a) It shall be the duty of every person who shall in any manner solicit or receive a contribution to any organization or fund for the purposes hereinafter designated to keep a detailed and exact account of—

(1) all contributions of any amount or of any value whatsoever;

(2) the name and address of every person making any such contribution of $500 or more and the date thereof;

(3) all expenditures made by or on behalf of such organization or fund; and

(4) the name and address of every person to whom any such expenditure is made and the date thereof.

(b) It shall be the duty of such person to obtain and keep a receipted bill, stating the particulars, for every expenditure of such funds exceeding $10 in amount, and to preserve all receipted bills and accounts required to be kept by this section for a period of at least two years from the date of the filing of the statement containing such items. (Aug. 2, 1946, ch. 753, § 303, 60 Stat. 840.)

375 § 263. Receipts for contributions.

Every individual who receives a contribution of $500 or more for any of the purposes hereinafter designated shall within five days after receipt thereof rendered[1] to the person or organization for which such contribution was received a detailed account thereof, including the name and address of the person making such contribution and the date on which received. (Aug. 2, 1946, ch. 753, § 304, 60 Stat. 840.)

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[1] So in original.

§ 264. Statements of accounts filed with Clerk of House. 376

(a) Every person receiving any contributions or expending any money for the purposes designated in subparagraph (a) or (b) of section 266 of this title shall file with the Clerk between the first and tenth day of each calendar quarter, a statement containing complete as of the day next preceding the date of filing—

(1) the name and address of each person who has made a contribution of $500 or more not mentioned in the preceding report; except that the first report filed pursuant to this title shall contain the name and address of each person who has made any contribution of $500 or more to such person since August 2, 1946;

(2) the total sum of the contributions made to or for such person during the calendar year and not stated under paragraph (1) of this subsection;

(3) the total sum of all contributions made to or for such person during the calendar year;

(4) the name and address of each person to whom an expenditure in one or more items of the aggregate amount or value, within the calendar year, of $10 or more has been made by or on behalf of such person, and the amount, date, and purpose of such expenditure;

(5) the total sum of all expenditures made by or on behalf of such person during the calendar year and not stated under paragraph (4) of this subsection;

(6) the total sum of expenditures made by or on behalf of such person during the calendar year.

(b) The statements required to be filed by subsection (a) of this section shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous statement only the amount need be carried forward. (Aug. 2, 1946, ch. 753, § 305, 60 Stat. 840.)

§ 265. Preservation of statements. 377

A statement required by this chapter to be filed with the Clerk—

(a) shall be deemed properly filed when deposited in an established post office within the prescribed time, duly stamped, registered, and directed to the Clerk of the House of Representatives of the United States, Washington, District of Columbia, but in the event it is not received, a duplicate of such statement shall be promptly filed upon notice by the Clerk of its nonreceipt;

(b) shall be preserved by the Clerk for a period of two years from the date of filing, shall constitute part of the public records of his office, and shall be open to public inspection. (Aug. 2, 1946, ch. 753, § 306, 60 Stat. 841.)

§ 266. Persons to whom chapter is applicable. 378

The provisions of this chapter shall apply to any person (except a political committee as defined in chapter 8 of this title, and duly organized State or local committees of a political party), who by himself, or through any agent or employee or other persons in any manner whatsoever, directly or indirectly, solicits, collects, or receives money or any other thing of value to be used principally to aid, or the principal purpose of which person is to aid, in the accomplishment of any of the following purposes:

(a) The passage or defeat of any legislation by the Congress of the United States.

(b) To influence, directly or indirectly, the passage or defeat of any legislation by the Congress of the United States. (Aug. 2, 1946, ch. 753, § 307, 60 Stat. 841.)

379 § 267. Registration of lobbyists with Secretary of the Senate and Clerk of House; compilation of information.

(a) Any person who shall engage himself for pay or for any consideration for the purpose of attempting to influence the passage or defeat of any legislation by the Congress of the United States shall, before doing anything in furtherance of such object, register with the Clerk of the House of Representatives and the Secretary of the Senate and shall give to those officers in writing and under oath, his name and business address, the name and address of the person by whom he is employed, and in whose interest he appears or works, the duration of such employment, how much he is paid and is to receive, by whom he is paid or is to be paid, how much he is to be paid for expenses, and what expenses are to be included. Each such person so registering shall, between the first and tenth day of each calendar quarter, so long as his activity continues, file with the Clerk and Secretary a detailed report under oath of all money received and expended by him during the preceding calendar quarter in carrying on his work; to whom paid; for what purposes; and the names of any papers, periodicals, magazines, or other publications in which he has caused to be published any articles or editorials; and the proposed legislation he is employed to support or oppose. The provisions of this section shall not apply to any person who merely appears before a committee of the Congress of the United States in support of or opposition to legislation; nor to any public official acting in his official capacity; nor in the case of any newspaper or other regularly published periodical (including any individual who owns, publishes, or is employed by any such newspaper or periodical) which in the ordinary course of business publishes news items, editorials, or other comments, or paid advertisements, which directly or indirectly urge the passage or defeat of legislation, if such newspaper, periodical, or individual, engages in no further or other activities in connection with the passage or defeat of such legislation, other than to appear before a committee of the Congress of the United States in support of or in opposition to such legislation.

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the Congressional Record. (Aug. 2, 1946, ch. 753, § 308, 60 Stat. 841.)

380 § 268. Reports and statements under oath.

All reports and statements required under this chapter shall be made under oath, before an officer authorized by law to administer oaths. (Aug. 2, 1946, ch. 753, § 309, 60 Stat. 842.)

§ 269. Penalties and prohibitions. 381

(a) Any person who violates any of the provisions of this chapter, shall, upon conviction, be guilty of a misdemeanor, and shall be punished by a fine of not more than $5,000 or imprisonment for not more than twelve months, or by both such fine and imprisonment.

(b) In addition to the penalties provided for in subsection (a) of this section, any person convicted of the misdemeanor specified therein is prohibited, for a period of three years from the date of such conviction, from attempting to influence, directly or indirectly, the passage or defeat of any proposed legislation or from appearing before a committee of the Congress in support of or opposition to proposed legislation; and any person who violates any provision of this subsection shall, upon conviction thereof, be guilty of a felony, and shall be punished by a fine of not more than $10,000, or imprisonment for not more than five years, or by both such fine and imprisonment. (Aug. 2, 1946, ch. 753, § 310, 60 Stat. 842.)

§ 270. Exemptions from chapter. 382

The provisions of this chapter shall not apply to practices or activities regulated by chapter 8 of this title nor be construed as repealing any portion of chapter 8 of this title. (Aug. 2, 1946, ch. 753, § 311, 60 Stat 842.)

Chapter 9.—OFFICE OF LEGISLATIVE COUNSEL

§ 271. Creation of Office. 390

There shall be in the Senate an office to be known as the Office of the Legislative Counsel, and to be under the direction of the Legislative Counsel of the Senate. (Feb. 24, 1919, c. 18, § 1303(a), (d), 40 Stat. 1141; June 2, 1924, c. 234, § 1101, 43 Stat. 353.)

§ 272. Appointment of Legislative Counsel; qualifications. 391

The Legislative Counsel shall be appointed by the President pro tempore of the Senate, without reference to political affiliations and solely on the ground of fitness to perform the duties of the office. (Feb. 24, 1919, c. 18, § 1303(a), (d), 40 Stat. 1141; June 2, 1924, c. 234, § 1101, 43 Stat. 353; Sept. 20, 1941, c. 412, Title VI, § 602, 55 Stat. 726.)

§ 273. Compensation of Legislative Counsel. 392

The Legislative Counsel of the Senate shall be paid at an annual rate of compensation of $40,000. (Feb. 24, 1919, c. 18, § 1303(d), as added June 2, 1924, c. 234, § 1101, 43 Stat. 353, and amended June 18, 1940, c. 396, § 1, 54 Stat. 472; Sept. 20, 1941, c. 412, Title VI, § 602, 55 Stat. 726; Oct. 15, 1949, c. 695, § 6(c), 63 Stat. 881; Aug. 5, 1955, c. 568, §§ 9, 101, 69 Stat. 509, 514; July 1, 1957, Pub. L. 85-75, § 101, 71 Stat. 250; Aug. 14, 1964, Pub. L. 88-426, Title II, § 203(g), 78 Stat. 415; Aug. 13, 1974, Pub. L. 93-371, § 101(4), 88 Stat. 429; July 25, 1975, Pub. L. 94-59, Title I, § 105, 89 Stat. 275.)

§ 274. Assistant Legislative Counsel; clerks and employees; office equipment and supplies. 393

The Legislative Counsel shall, subject to the approval of the President pro tempore of the Senate, employ and fix the compensation of such Assistant Counsel, clerks, and other employees, and purchase such furniture, office equipment, books, stationery, and other supplies, as may be necessary for the proper performance of the duties of the Office and as may be appropriated for by Congress. (Feb. 24, 1919, c. 18, § 1303(a), (d), 40 Stat. 1141; June 2, 1924, c. 234, § 1101, 43 Stat. 353; Sept. 20, 1941, c. 412, Title VI, § 602, 55 Stat. 726.)

394 **§ 275. Duties of Office; rules and regulations.**

The Office of the Legislative Counsel shall aid in drafting public bills and resolutions or amendments thereto on the request of any committee of the Senate, but the Committee on Rules and Administration of the Senate, may determine the preference, if any, to be given to such requests of the committees of the Senate. The Legislative Counsel shall, from time to time, prescribe rules and regulations for the conduct of the work of the Office for the committees of the Senate, subject to the approval of such Committee on Rules and Administration. (Feb. 24, 1919, c. 18, § 1303(b), (d), 40 Stat. 1141; June 2, 1924, c. 234, § 1101, 43 Stat. 353; Aug. 2, 1946, c. 753, Title I, §§ 102, 121, 60 Stat. 814, 822.)

395 **§ 276. Disbursement of appropriations.**

All appropriations for the Office of the Legislative Counsel shall be disbursed by the Secretary of the Senate. (Feb. 24, 1919, c. 18, § 1303(c), (d), 40 Stat. 1141; June 2, 1924, c. 234, § 1101, 43 Stat. 353.)

395.1 **§ 276a. Same; Office expenses.**

With the approval of the President pro tempore of the Senate, the Legislative Counsel of the Senate may make such expenditures as may be necessary or appropriate for the functioning of the Office of the Legislative Counsel of the Senate. (July 1, 1983, Pub. L. 98-51, sec. 106, 97 Stat. 267.)

395.2 **§ 276b. Same; Travel expenses.**

Funds expended by the Legislative Counsel of the Senate or the Senate Legal Counsel for travel and related expenses shall be subject to the same regulations and limitations (insofar as they are applicable) as those which the Senate Committee on Rules and Administration prescribes for application to travel and related expenses for which payment is authorized to be made from the contingent fund of the Senate. (July 14, 1983, Pub. L. 98-51, sec. 106, 97 Stat. 267.)

Chapter 9D.—OFFICE OF SENATE LEGAL COUNSEL

396 **§ 288. Office of Senate Legal Counsel.**

396.1 **(a) Establishment; appointment of Counsel and Deputy Counsel; Senate approval; reappointment; compensation.**

(1) There is established, as an office of the Senate, the Office of Senate Legal Counsel (hereinafter referred to as the "Office"), which shall be headed by a Senate Legal Counsel (hereinafter referred to as the "Counsel"); and there shall be a Deputy Senate Legal Counsel (hereinafter referred to as the "Deputy Counsel") who shall perform such duties as may be assigned to him by the Counsel and who, during any absence, disability, or vacancy in the position of the Counsel, shall serve as Acting Senate Legal Counsel.

(2) The Counsel and the Deputy Counsel each shall be appointed by the President pro tempore of the Senate from among recommendations submitted by the majority and minority leaders of the Senate. Any appointment made under this paragraph shall be made without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Any person appointed as Counsel or Deputy Counsel shall be learned in the law, a member of the bar of a State or the District of Columbia, and shall not engage in any other business, vocation, or employment during the term of such appointment.

(3) (A) Any appointment made under paragraph (2) shall become effective upon approval by resolution of the Senate. The Counsel and the Deputy Counsel shall each be appointed for a term of service which shall expire at the end of the Congress following the Congress during which the Counsel or Deputy Counsel, respectively, is appointed except that the Senate may, by resolution, remove either the Counsel or the Deputy Counsel prior to the termination of any term of service. The Counsel and the Deputy Counsel may be reappointed at the termination of any term of service.

(B) The first Counsel and the first Deputy Counsel shall be appointed, approved, and begin service within ninety days after the effective date of this title, and thereafter the Counsel and Deputy Counsel shall be appointed, approved, and begin service within thirty days after the beginning of the session of the Congress immediately following the termination of a Counsel's or Deputy Counsel's term of service or within sixty days after a vacancy occurs in either position.

(4) The Counsel shall receive compensation at a rate equal to the annual rate of basic pay for level III of the Executive Schedule under section 5314 of Title 5. The Deputy Counsel shall receive compensation at a rate equal to the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of Title 5.

(b) Assistant counsels and other personnel; compensation; appointment; removal. 396.2

(1) The Counsel shall select and fix the compensation of such Assistant Senate Legal Counsels (hereinafter referred to as "Assistant Counsels") and of such other personnel, within the limits of available funds, as may be necessary to carry out the provisions of this chapter and may prescribe the duties and responsibilities of such personnel. The compensation fixed for each Assistant Counsel shall not be in excess of a rate equal to the annual rate of basic pay for level V of the Executive Schedule under section 5316 of Title 5. Any selection made under this paragraph shall be made without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Any individual selected as an Assistant Counsel shall be learned in the law, a member of the bar of a State or the District of Columbia, and shall not engage in any other business, vocation, or employment during his term of service. The Counsel may remove any individual appointed under this paragraph.

(2) For purposes of pay (other than the rate of pay of the Counsel and Deputy Counsel) and employment benefits, right, and privileges, all personnel of the Office shall be treated as employees of the Senate.

396.3 **(c) Consultants.**

In carrying out the functions of the Office, the Counsel may procure the temporary (not to exceed one year) or intermittent services of individual consultants (including outside counsel), or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 72a(i) of this title.

396.4 **(d) Policies and procedures.**

The Counsel may establish such policies and procedures as may be necessary to carry out the provisions of this chapter.

396.5 **(e) Delegation of duties.**

The Counsel may delegate authority for the performance of any function imposed by this chapter except any function imposed upon the Counsel under section 288e(b) of this title.

396.6 **(f) Attorney-client relationship.**

The Counsel and other employees of the Office shall maintain the attorney-client relationship with respect to all communications between them and any Member, officer, or employee of the Senate. (Oct. 26, 1978, Pub. L. 95-521, Title VII, § 701, 92 Stat. 1875.)

396.7 **§ 288a. Senate Joint Leadership Group.**

396.7-1 **(a) Accountability of office.**

The Office shall be directly accountable to the Joint Leadership Group in the performance of the duties of the Office.

396.7-2 **(b) Membership.**

For purposes of this chapter, the Joint Leadership Group shall consist of the following Members:

(1) The President pro tempore (or if he so designates, the Deputy President pro tempore) of the Senate.

(2) The majority and minority leaders of the Senate.

(3) The chairman and ranking minority member of the committee on the Judiciary of the Senate.

(4) The chairman and ranking minority member of the committee of the Senate which has jurisdiction over the contingent fund of the Senate.

396.7-3 **(c) Assistance of Secretary of Senate.**

(c) The Joint Leadership Group shall be assisted in the performance of its duties by the Secretary of the Senate. (Oct. 26, 1978, Pub. L. 95-521, Title VII, § 702, 92 Stat. 1877.)

396.8 **§ 288b. Requirements for authorizing representation activity.**

396.8-1 **(a) Direction of Joint Leadership Group or Senate resolution.**

The Counsel shall defend the Senate or a committee, subcommittee, Member, officer, or employee of the Senate under section 288c of this title only when directed to do so by two-thirds of the Members of the Joint Leadership Group or by the adoption of a resolution by the Senate.

(b) Civil action to enforce subpena. 396.8-2

The Counsel shall bring a civil action to enforce a subpena of the Senate or a committee or subcommittee of the Senate under section 288d of this title only when directed to do so by the adoption of a resolution by the Senate.

(c) Intervention or appearance. 396.8-3

The Counsel shall intervene or appear as amicus curiae under section 288e of this title only when directed to do so by a resolution adopted by the Senate when such intervention or appearance is to be made in the name of the Senate or in the name of an officer, committee, subcommittee, or chairman of a committee or subcommittee of the Senate.

(d) Immunity proceedings. 396.8-4

The Counsel shall serve as the duly authorized representative in obtaining an order granting immunity under section 288f of this title of—

(1) the Senate when directed to do so by an affirmative vote of a majority of the Members present of the Senate; or

(2) a committee or subcommittee of the Senate when directed to do so by an affirmative vote of two-thirds of the members of the full committee.

(e) Resolution recommendations. 396.8-5

(e) The Office shall make no recommendation with respect to the consideration of a resolution under this section. (Oct. 26, 1978, Pub. L. 95-521, Title VII, § 703, 92 Stat. 1877.)

§ 288c. Defending the Senate, committee, subcommittee, member, officer, or employee of the Senate. 396.9

(a) Except as otherwise provided in subsection (b) of this section, when directed to do so pursuant to section 288b(a) of this title, the Counsel shall—

(1) defend the Senate, a committee, subcommittee, Member, officer, or employee of the Senate in any civil action pending in any court of the United States or of a State or political subdivision thereof, in which the Senate, such committee, subcommittee, Member, officer, or employee is made a party defendant and in which there is placed in issue the validity of any proceeding of, or action, including issuance of any subpena or order, taken by the Senate, or such committee, subcommittee, Member, officer, or employee in its or his official or representative capacity; or

(2) defend the Senate or a committee, subcommittee, Member, officer, or employee of the Senate in any proceeding with respect to any subpena or order directed to the Senate or such committee, subcommittee, Member, officer, or employee in its or his official or representative capacity.

(b) Representation of a Member, officer, or employee under subsection (a) of this section shall be undertaken by the Counsel only upon the consent of such Member, officer, or employee. (Oct. 26, 1978, Pub. L. 95-521, Title VII, § 704, 92 Stat. 1877.)

396.10 § 288d. Enforcement of Senate subpena or order.

396.10-1 (a) Institution of civil actions.

When directed to do so pursuant to section 288b(b) of this title, the Counsel shall bring a civil action under any statute conferring jurisdiction on any court of the United States (including section 1365 of Title 28), to enforce, to secure a declaratory judgment concerning the validity of, or to prevent a threatened failure or refusal to comply with, any subpena or order issued by the Senate or a committee or a subcommittee of the Senate authorized to issue a subpena or order.

396.10-2 (b) Actions in name of committees and subcommittees.

Any directive to the Counsel to bring a civil action pursuant to subsection (a) of this section in the name of a committee or subcommittee of the Senate shall, for such committee or subcommittee, constitute authorization to bring such action within the meaning of any statute conferring jurisdiction on any court of the United States.

396.10-3 (c) Consideration of resolutions authorizing actions.

It shall not be in order in the Senate to consider a resolution to direct the Counsel to bring a civil action pursuant to subsection (a) of this section in the name of a committee or subcommittee unless—

(1) such resolution is reported by a majority of the members voting, a majority being present, of such committee or committee of which such subcommittee is a subcommittee, and

(2) the report filed by such committee or committee of which such subcommittee is a subcommittee contains a statement of—

(A) the procedure followed in issuing such subpena;

(B) the extent to which the party subpenaed has complied with such subpena;

(C) any objections or privileges raised by the subpenaed party; and

(D) the comparative effectiveness of bringing a civil action under this section, certification of a criminal action for contempt of Congress, and initiating a contempt proceeding before the Senate.

396.10-4 (d) Rules of Senate.

The provisions of subsection (c) of this section are enacted—

(1) as an exercise of the rulemaking power of the Senate, and, as such, they shall be considered as part of the rules of the Senate, and such rules shall supersede any other rule of the Senate only to the extent that rule is inconsistent therewith; and

(2) with full recognition of the constitutional right of the Senate to change such rules (so far as relating to the procedure in the Senate) at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

396.10-5 (e) Committee reports.

A report filed pursuant to subsection (c)(2) of this section shall not be receivable in any court of law to the extent such report is in compliance with such subsection.

(f) Certification of failure to testify; contempt. 396.10-6

Nothing in this section shall limit the discretion of—

(1) the President pro tempore of the Senate in certifying to the United States Attorney for the District of Columbia any matter pursuant to section 194 of this title; or

(2) the Senate to hold any individual or entity in contempt of the Senate.

(Oct. 26, 1978, Pub. L. 95-521, Title VII, § 705(a)-(e), (g), 92 Stat. 1878, 1880.)

§ 288e. Intervention or appearance. 396.11

(a) Actions or proceedings. 396.11-1

When directed to do so pursuant to section 288b(c) of this title, the Counsel shall intervene or appear as amicus curiae in the name of the Senate, or in the name of an officer, committee, subcommittee, or chairman of a committee or subcommittee of the Senate in any legal action or proceeding pending in any court of the United States or of a State or political subdivision thereof in which the powers and responsibilities of Congress under the Constitution of the United States are placed in issue. The Counsel shall be authorized to intervene only if standing to intervene exists under section 2 of article III of the Constitution of the United States.

(b) Notification; publication. 396.11-2

The Counsel shall notify the Joint Leadership Group of any legal action or proceeding in which the Counsel is of the opinion that intervention or appearance as amicus curiae under subsection (a) of this section is in the interest of the Senate. Such notification shall contain a description of the legal action or proceeding together with the reasons that the Counsel is of the opinion that intervention or appearance as amicus curiae is in the interest of the Senate. The Joint Leadership Group shall cause said notification to be published in the Congressional Record for the Senate.

(c) Powers and responsibilities of Congress. 396.11-3

The Counsel shall limit any intervention or appearance as amicus curiae in an action or proceeding to issues relating to the powers and responsibilities of Congress. (Oct. 26, 1978, Pub. L. 95-521, Title VII, § 706, 92 Stat. 1880.)

§ 288f. Immunity proceedings. 396.12

When directed to do so pursuant to section 288b(d) of this title, the Counsel shall serve as the duly authorized representative of the Senate or a committee or subcommittee of the Senate in requesting a United States district court to issue an order granting immunity pursuant to section 6005 of title 18. (Oct. 26, 1978, Pub. L. 95-521, Title VII, § 707, 92 Stat. 1880.)

§ 288g. Advisory and other functions. 396.13

(a) Cooperation with persons, committees, subcommittees, and offices. 396.13-1

The Counsel shall advise, consult, and cooperate with—

(1) the United States Attorney for the District of Columbia with respect to any criminal proceeding for contempt of Congress certified

by the President pro tempore of the Senate pursuant to section 194 of this title;

(2) the committee of the Senate with the responsibility to identify any court proceeding or action which is of vital interest to the Senate;

(3) the Comptroller General, the General Accounting Office, the Office of Legislative Counsel of the Senate, and the Congressional Research Service, except that none of the responsibilities and authority assigned by this chapter to the Counsel shall be construed to affect or infringe upon any functions, powers, or duties of the aforementioned;

(4) any Member, officer, or employee of the Senate not represented under section 288c of this title with regard to obtaining private legal counsel for such Member, officer, or employee;

(5) the President pro tempore of the Senate, the Secretary of the Senate, the Sergeant-at-Arms of the Senate, and the Parliamentarian of the Senate, regarding any subpena, order, or request for withdrawal of papers presented to the Senate which raises a question of the privileges of the Senate; and

(6) any committee or subcommittee of the Senate in promulgating and revising their rules and procedures for the use of congressional investigative powers and with respect to questions which may arise in the course of any investigation.

396.13-2 **(b) Legal research files.**

The Counsel shall compile and maintain legal research files of materials from court proceedings which have involved Congress, a House of Congress, an office or agency of Congress, or any committee, subcommittee, Member, officer, or employee of Congress. Public court papers and other research memoranda which do not contain information of a confidential or privileged nature shall be made available to the public consistent with any applicable procedures set forth in such rules of the Senate as may apply and the interests of the Senate.

396.13-3 **(c) Miscellaneous duties.**

The Counsel shall perform such other duties consistant with the purposes and limitations of this chapter as the Senate may direct. (Oct. 26, 1978, Pub. L. 95-521, Title VII, § 708, 92 Stat. 1880.)

396.14 **§ 288h. Defense of certain constitutional powers.**

In performing any function under this chapter, the Counsel shall defend vigorously when placed in issue—

(1) the constitutional privilege from arrest or from being questioned in any other place for any speech or debate under section 6 of article I of the Constitution of the United States;

(2) the constitutional power of the Senate to be judge of the elections, returns, and qualifications of its own Members and to punish or expel a Member under section 5 of article I of the Constitution of the United States;

(3) the constitutional power of the Senate to except from publication such parts of its journal as in its judgment may require secrecy;

(4) the constitutional power of the Senate to determine the rules of its proceedings;

(5) the constitutional power of Congress to make all laws as shall be necessary and proper for carrying into execution the constitutional powers of Congress and all other powers vested by the Constitution in the Government of the United States, or in any department or office thereof;

(6) all other constitutional powers and responsibilities of the Senate or of Congress; and

(7) the constitutionality of Acts and joint resolutions of the Congress.

(Oct. 26, 1978, Pub. L. 95-521, Title VII, § 709, 92 Stat. 1881.)

§ 288i. Representation conflict or inconsistency. 396.15

(a) Notification. 396.15-1

In the carrying out of the provisions of this chapter, the Counsel shall notify the Joint Leadership Group, and any party represented or person affected, of the existence and nature of any conflict or inconsistency between the representation of such party or person and the carrying out of any other provision of this chapter or compliance with professional standards and responsibilities.

(b) Solution; publication in Congressional Record; review. 396.15-2

Upon receipt of such notification, the members of the Joint Leadership Group shall recommend the action to be taken to avoid or resolve the conflict or inconsistency. If such recommendation is made by a two-thirds vote, the Counsel shall take such steps as may be necessary to resolve the conflict or inconsistency as recommended. If not, the members of the Joint Leadership Group shall cause the notification of conflict or inconsistency and recommendation with respect to resolution thereof to be published in the Congressional Record of the Senate. If the Senate does not direct the Counsel within fifteen days from the date of publication in the Record to resolve the conflict in another manner, the Counsel shall take such action as may be necessary to resolve the conflict or inconsistency as recommended. Any instruction or determination made pursuant to this subsection shall not be reviewable in any court of law.

(c) Computation of period following publication. 396.15-3

(c) For purposes of the computation of the fifteen-day period in subsection (b) of this section—

(1) continuity of session is broken only by an adjournment of Congress sine die; and

(2) the days on which the Senate is not in session because of an adjournment of more than three days to a date certain are excluded.

(d) Reimbursement. 396.15-4

The Senate may by resolution authorize the reimbursement of any Member, officer, or employee of the Senate who is not represented by the Counsel for fees and costs, including attorneys' fees, reasonably incurred in obtaining representation. Such reimbursement, shall be from funds appropriated to the contingent fund of the Senate. (Oct. 26, 1978, Pub. L. 95-521, Title VII, § 710, 92 Stat. 1882.)

396.16 § 288j. Consideration of resolutions to direct counsel.

396.16-1 (a) Procedure; rules.

(1) A resolution introduced pursuant to section 288b of this title shall not be referred to a committee, except as otherwise required under section 288d(c) of this title. Upon introduction, or upon being reported if required under section 288d(c) of this title, whichever is later, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of such resolution. A motion to proceed to the consideration of a resolution shall be highly privileged and not debatable. An amendment to such motion shall not be in order, and it shall not be in order to move to reconsider the vote by which such motion is agreed to.

(2) With respect to a resolution pursuant to section 288b(a) of this title, the following rules apply:

(A) If the motion to proceed to the consideration of the resolution is agreed to, debate thereon shall be limited to not more than ten hours, which shall be divided equally between, and controlled by, those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. No amendment to the resolution shall be in order. No motion to recommit the resolution shall be in order, and it shall not be in order to reconsider the vote by which the resolution is agreed to.

(B) Motions to postpone, made with respect to the consideration of the resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(C) All appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to the resolution shall be decided without debate.

396.16-2 (b) Definition.

For purposes of this chapter, other than section 288b of this title, the term "committee" includes standing, select, and special committees of the Senate established by law or resolution.

396.16-3 (c) Rules of the Senate.

The provisions of this section are enacted—

(1) as an exercise of the rulemaking power of the Senate, and, as such, they shall be considered as part of the rules of the Senate, and such rules shall supersede any other rule of the Senate only to the extent that rule is inconsistent therewith; and

(2) with full recognition of the constitutional right of the Senate to change such rules at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate. (Oct. 26, 1978, Pub. L. 95-521, Title VII, § 711, 92 Stat. 1822.)

396.17 § 288k. Attorney General relieved of responsibility.

(a) Upon receipt of written notice that the Counsel has undertaken, pursuant to section 288c(a) of this title, to perform any representational service with respect to any designated party in any action or proceeding pending or to be instituted, the Attorney General shall—

(1) be relieved of any responsibility with respect to such representational service;

(2) have no authority to perform such service in such action or proceeding except at the request or with the approval of the Senate; and

(3) transfer all materials relevant to the representation authorized under section 288c(a) of this title to the Counsel, except that nothing in this subsection shall limit any right of the Attorney General under existing law to intervene or appear as amicus curiae in such action or proceeding.

(b) The Attorney General shall notify the Counsel with respect to any proceeding in which the United States is a party of any determination by the Attorney General or Solicitor General not to appeal any court decision affecting the constitutionality of an Act or joint resolution of Congress within such time as will enable the Senate to direct the Counsel to intervene as a party in such proceeding pursuant to section 288e of this title. (Oct. 26, 1978, Pub. L. 95-521, Title VII, § 712, 92 Stat. 1883.)

§ 288*l*. Procedural provisions. 396.18

(a) Intervention or appearance. 396.18-1

Permission to intervene as a party or to appear as amicus curiae under section 288e of this title shall be of right and may be denied by a court only upon an express finding that such intervention or appearance is untimely and would significantly delay the pending action or that standing to intervene has not been established under section 2 of article III of the Constitution of the United States.

(b) Compliance with admission requirements. 396.18-2

The Counsel, the Deputy Counsel, or any designated Assistant Counsel or counsel specially retained by the Office shall be entitled, for the purpose of performing his functions under this chapter, to enter an appearance in any proceeding before any court of the United States or of a State or political subdivision thereof without compliance with any requirement for admission to practice before such court, except that the authorization conferred by this subsection shall not apply with respect to the admission of any such person to practice before the United States Supreme Court.

(c) Standing to sue; jurisdiction. 396.18-3

Nothing in this chapter shall be construed to confer standing on any party seeking to bring, or jurisdiction on any court with respect to, any civil or criminal action against Congress, either House of Congress, a Member of Congress, a committee or subcommittee of a House of Congress, any office or agency of Congress, or any office or employee of a House of Congress or any office or agency of Congress. (Oct. 26, 1978, Pub. L. 95-521, Title VII, § 713, 92 Stat. 1883.)

§ 288m. Contingent fund. 396.19

The expenses of the Office shall be paid from the contingent fund of the Senate in accordance with section 68 of this title, and upon vouchers approved by the Counsel. (Oct. 26, 1978, Pub. L. 95-521, Title VII, § 716, 92 Stat. 1885.)

Chapter 11.—COMMISSION ON EXECUTIVE, LEGISLATIVE, AND JUDICIAL SALARIES

398 § 351. Establishment of Commission.

There is hereby established a commission to be known as the Commission on Executive, Legislative, and Judicial Salaries (hereinafter referred to as the "Commission"). (Dec. 16, 1967, Pub. L. 90-206, § 225(a), 81 Stat. 642.)

398.1 § 352. Membership of Commission; appointment; Chairman; term of office; vacancies; compensation; expenses; allowances.

(1) The Commission shall be composed of nine members who shall be appointed from private life, as follows:

(A) three appointed by the President of the United States, one of whom shall be designated as Chairman by the President;

(B) two appointed by the President of the Senate;

(C) two appointed by the Speaker of the House of Representatives; and

(D) two appointed by the Chief Justice of the United States.

(2) The terms of office of persons first appointed as members of the Commission shall be for the period of the 1969 fiscal year of the Federal Government, except that, if any appointment to membership on the Commission is made after the beginning and before the close of such fiscal year, the term of office based on such appointment shall be for the remainder of such fiscal year.

(3) After the close of the 1969 fiscal year of the Federal Government, persons shall be appointed as members of the Commission with respect to every fourth fiscal year following the 1969 fiscal year and with respect to fiscal year 1987. The terms of office of persons so appointed shall be for the period of the fiscal year with respect to which the appointment is made, except that, if any appointment is made after the beginning and before the close of any such fiscal year, the term of office based on such appointment shall be for the remainder of such fiscal year.

(4) A vacancy in the membership of the Commission shall be filled in the manner in which the original appointment was made.

(5) Each member of the Commission shall be paid at the rate of $100 for each day such member is engaged upon the work of the Commission and shall be allowed travel expenses, including a per diem allowance, in accordance with section 5703(b) of title 5, when engaged in the performance of services for the Commission. (Dec. 16, 1967, Pub. L. 90-206, § 225(b), 81 Stat. 642; Dec. 19, 1985, Pub. L. 99-190, § 135(a), 99 Stat. 1322.)

398.2 § 353. Executive Director; additional personnel; detail of personnel of other agencies.

(1) Without regard to the provisions of title 5, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, and on a temporary basis for periods covering all or part of any fiscal year referred to in section 352 (2) and (3) of this title—

(A) the Commission is authorized to appoint an Executive Director and fix his basic pay at the rate provided for level V of the Executive Schedule by section 5316 of title 5; and

(B) with the approval of the Commission, the Executive Director is authorized to appoint and fix the basic pay (at respective rates not in excess of the maximum rate of the General Schedule in section 5332 of title 5) of such additional personnel as may be necessary to carry out the function of the Commission.

(2) Upon the request of the Commission, the head of any department, agency, or establishment of any branch of the Federal Government is authorized to detail, on a reimbursable basis, for periods covering all or part of any fiscal year referred to in section 352 (2) and (3) of this title, any of the personnel of such department, agency, or establishment to assist the Commission in carrying out its function. (Dec. 16, 1967, Pub. L. 90-206, § 225(c), 81 Stat. 643.)

§ 354. Use of United States mails by Commission. 398.3

The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States. (Dec. 16, 1967, Pub. L. 90-206, § 225(d), 81 Stat. 643.)

§ 355. Administrative support services. 398.4

The Administrator of General Services shall provide administrative support services for the Commission on a reimbursable basis. (Dec. 16, 1967, Pub. L. 90-206, § 225(e), 81 Stat. 643.)

§ 356. Functions of Commission. 398.5

The Commission shall conduct, in each of the respective fiscal years referred to in section 352 (2) and (3) of this title, a review of the rates of pay of—

(A) the Vice President of the United States, Senators, Members of the House of Representatives, the Resident Commissioner from Puerto Rico, the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Majority and Minority Leaders of the Senate and the House of Representatives;

(B) offices and positions in the legislative branch referred to in sections 136a and 136a-1 of this title, sections 42a and 51a of title 31, sections 162a and 166b of title 40, and section 39a of title 44;

(C) justices, judges, and other personnel in the judicial branch referred to in section 403 of the Federal Judicial Salary Act of 1964 and magistrates;

(D) offices and positions under the Executive Schedule in subchapter II of chapter 53 of title 5; and

(E) the Governors of the Board of Governors of the United States Postal Service appointed under section 202 of title 39.

Such review by the Commission shall be made for the purpose of determining and providing—

(i) the appropriate pay levels and relationships between and among the respective offices and positions covered by such review, and

(ii) the appropriate pay relationships between such offices and positions and the offices and positions subject to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, relating to classification and General Schedule pay rates.

In reviewing the rates of pay of the offices or positions referred to in subparagraph (D) of this subsection, the Commission shall determine and consider the appropriateness of the executive levels of such offices and positions. (Dec. 16, 1967, Pub. L. 90-206, § 225(f), 81 Stat. 643; Aug. 12, 1970, Pub. L. 91-375, § 6(a), 84 Stat. 775; Aug. 9, 1975, Pub. L. 94-82, § 206(a), 89 Stat. 423; Nov. 6, 1978, Pub. L. 95-598, § 301, 92 Stat. 2673; Pub. L. 97-164, § 143, Apr. 2, 1982, 96 Stat. 45; Dec. 19, 1985, Pub. L. 99-190; § 135(b), 99 Stat. 1322.)

398.6 § 357. Report to the President.

The Commission shall submit to the President a report of the results of each review conducted by the Commission of the offices and positions within the purview of subparagraphs (A), (B), (C), and (D) of section 356 of this title, together with its recommendations. Each such report shall be submitted on such date as the President may designate but not later than December 15 of the fiscal year in which the review is conducted by the Commission. (Dec. 16, 1967, Pub. L. 90-206, § 225(g), 81 Stat. 644; Dec. 15, 1985, Pub. L. 99-190, § 135(c), 99 Stat. 1322.)

398.7 § 358. Recommendations of the President to Congress.

The President shall include, in the budget next transmitted under section 1105(a) of title 31 by him to the Congress after the date of the submission of the report and recommendations of the Commission under section 357 of this title, his recommendations with respect to the exact rates of pay which he deems advisable, for those offices and positions within the purview of subparagraphs (A), (B), (C), and (D) of section 356 of this title. (Dec. 16, 1967, Pub. L. 90-206, § 225(h), 81 Stat. 644; Dec. 19, 1985, Pub. L. 99-190, § 135(a), 99 Stat. 1322.)

398.8 § 359. Same; effective date.

(1) The recommendations of the President which are transmitted to the Congress pursuant to subsection (h) of this section shall be effective as provided in paragraph (2) of this subsection unless any such recommendation is disapproved by a joint resolution agreed to by the Congress not later than the last day of the 30-day period which begins on the date of which such recommendations are transmitted to the Congress.

(2) The effective date of the rate or rates of pay which take effect for an office or position under paragraph (1) of this subsection shall be the first day of the first pay period which begins for such office or position after the end of the 30-day period described in such paragraph.". (Dec. 16, 1967, Pub. L. 90-206, § 225(i), 81 Stat. 644; Apr. 12, 1977, Pub. L. 95-19, § 401, 91 Stat. 45; Dec. 19, 1985, Pub. L. 99-190, § 135(e), 99 Stat. 1322.)

398.9 § 360. Same; effect on existing law and prior recommendations.

The recommendations of the President taking effect as provided in section 359 of this title shall be held and considered to modify, supersede, or render inapplicable, as the case may be, to the extent inconsistent therewith—

(A) all provisions of law enacted prior to the effective date or dates of all or part (as the case may be) of such recommendations (other than any provision of law enacted in the period specified in section 359 of this title with respect to such recommendations), and

(B) any prior recommendations of the President which take effect under this chapter. (Dec. 16, 1967, Pub. L. 90-206, § 225(j), 81 Stat.

644; Apr. 12, 1977, Pub. L. 95–19, § 401, 91 Stat. 46; Dec. 19, 1985, Pub. L. 95–190, § 135(f), 99 Stat. 1322.)

§ 361. Publication of recommendations. 398.10

The recommendations of the President which take effect shall be printed in the Statutes at Large in the same volume as public laws and shall be printed in the Federal Register and included in the Code of Federal Regulations. (Dec. 16, 1967, Pub. L. 90–206, § 225(k), 81 Stat. 644.)

NOTE

Section 135(g) of Public Law 99-190 (99 Stat. 1323, Dec. 19, 1985) provides that the Commission shall not make recommendations on rates of pay in connection with the review of rates of pay conducted in fiscal year 1985 except for the rates of pay of the Governors of the Board of Postal Service.

Chapter 13.—JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS 399

NOTE

No funds have been appropriated for the Joint Committee on Congressional Operations since September 30, 1977, and the Joint Committee has ceased to function.

Chapter 14.—FEDERAL ELECTION CAMPAIGNS

Subchapter I.—Disclosure of Federal Campaign Funds

§ 431. Definitions 399.8

When used in this Act:

(1) The term "election" means—

(A) a general, special, primary, or runoff election;

(B) a convention or caucus of a political party which has authority to nominate a candidate;

(C) a primary election held for the selection of delegates to a national nominating convention of a political party; and

(D) a primary election held for the expression of a preference for the nomination of individuals for election to the office of President.

(2) The term "candidate" means an individual who seeks nomination for election, or election, to Federal office, and for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election—

(A) if such individual has received contributions aggregating in excess of $5,000 or has made expenditures aggregating in excess of $5,000; or

(B) if such individual has given his or her consent to another person to receive contributions or make expenditures on behalf of such individual and if such person has received such contributions aggregating in excess of $5,000 or has made such expenditures aggregating in excess of $5,000.

(3) The term "Federal office" means the office of President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress.

(4) The term "political committee" means—

(A) any committee, club, association, or other group of persons which receives contributions aggregating in excess of $1,000 during a calendar year or which makes expenditures aggregating in excess of $1,000 during a calendar year; or

(B) any separate segregated fund established under the provisions of section 441b(b) of this title; or

(C) any local committee of a political party which receives contributions aggregating in excess of $5,000 during a calendar year, or makes payments exempted from the definition of contribution or expenditure as defined in paragraphs (8) and (9) of this section aggregating in excess of $5,000 during a calendar year, or makes contributions aggregating in excess of $1,000 during a calendar year or makes expenditures aggregating in excess of $1,000 during a calendar year.

(5) The term "principal campaign committee" means a political committee designated and authorized by a candidate under section 432(e)(1) of this title.

(6) The term "authorized committee" means the principal campaign committee or any other political committee authorized by a candidate under section 432(e)(1) of this title to receive contributions or make expenditures on behalf of such candidate.

(7) The term "connected organization" means any organization which is not a political committee but which directly or indirectly establishes, administers, or financially supports a political committee.

(8)(A) The term "contribution" includes—

(i) any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office; or

(ii) the payment by any person of compensation for the personal services of another person which are rendered to a political committee without charge for any purpose.

(B) The term "contribution" does not include—

(i) the value of services provided without compensation by any individual who volunteers on behalf of a candidate or political committee;

(ii) the use of real or personal property, including a church or community room used on a regular basis by members of a community for noncommercial purposes, and the cost of invitations, food, and beverages, voluntarily provided by an individual to any candidate or any political committee of a political party in rendering voluntary personal services on the individual's residential premises or in the church or community room for candidate-related or political party-related activities, to the extent that the cumulative value of such invitations, food, and beverages provided by such individual on behalf of any single candidate does not exceed $1,000 with respect to any single election, and on behalf of all political committees of a political party does not exceed $2,000 in any calendar year;

(iii) the sale of any food or beverage by a vendor for use in any candidate's campaign or for use by or on behalf of any political committee of a political party at a charge less than the normal comparable charge, if such charge is at least equal to the cost of such food or beverage to the vendor, to the extent that the cumulative value of such activity by such vendor on behalf of any single candidate does not exceed $1,000 with respect to any single election, and on behalf of all political committees of a political party does not exceed $2,000 in any calendar year;

(iv) any unreimbursed payment for travel expenses made by any individual on behalf of any candidate or any political committee of a political party, to the extent that the cumulative value of such activity by such individual on behalf of any single candidate does not exceed $1,000 with respect to any single election, and on behalf of all political committees of a political party does not exceed $2,000 in any calendar year;

(v) the payment by a State or local committee of a political party of the costs of preparation, display, or mailing or other distribution incurred by such committee with respect to a printed slate card or sample ballot, or other printed listing, of 3 or more candidates for any public office for which an election is held in the State in which such committee is organized, except that this clause shall not apply to any cost incurred by such committee with respect to a display of any such listing made on broadcasting stations, or in newspapers, magazines, or similar types of general public political advertising;

(vi) any payment made or obligation incurred by a corporation or a labor organization which, under section 441b(b) of this title, would not constitute an expenditure by such corporation or labor organization;

(vii) any loan of money by a State bank, a federally chartered depository institution, or a depository institution the deposits or accounts of which are insured by the Federal Deposit Insurance Corporation, Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration, other than any overdraft made with respect to a checking or savings account, made in accordance with applicable law and in the ordinary course of business, but such loan—

(I) shall be considered a loan by each endorser or guarantor, in that proportion of the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors;

(II) shall be made on a basis which assures repayment, evidenced by a written instrument, and subject to a due date or amortization schedule; and

(III) shall bear the usual and customary interest rate of the lending institution;

(viii) any gift, subscription, loan, advance, or deposit of money or anything of value to a national or a State committee of a political party specifically designated to defray any cost for construction or purchase of any office facility not acquired for the purpose of influencing the election of any candidate in any particular election for Federal office;

(ix) any legal or accounting services rendered to or on behalf of—

(I) any political committee of a political party if the person paying for such services is the regular employer of the person rendering such services and if such services are not attributable to activities which directly further the election of any designated candidate to Federal office; or

(II) an authorized committee of a candidate or any other political committee, if the person paying for such services is the regular employer of the individual rendering such services and if such services are solely for the purpose of ensuring compliance with this Act or chapter 95 or chapter 96 of Title 26, but amounts paid or incurred by the regular employer for such legal or accounting services shall be reported in accordance with section 434(b) of this title by the committee receiving such services;

(x) the payment by a State or local committee of a political party of the costs of campaign materials (such as pins, bumper stickers, handbills, brochures, posters, party tabloids, and yard signs) used by such committee in connection with volunteer activities on behalf of nominees of such party: *Provided*, That—

(1) such payments are not for the costs of campaign materials or activities used in connection with any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising;

(2) such payments are made from contributions subject to the limitations and prohibitions of this Act; and

(3) such payments are not made from contributions designated to be spent on behalf of a particular candidate or particular candidates;

(xi) the payment by a candidate, for nomination or election to any public office (including State or local office), or authorized committee of a candidate, of the costs of campaign materials which include information on or reference to any other candidate and which are used in connection with volunteer activities (including pins, bumper stickers, handbills, brochures, posters, and yard signs, but not including the use of broadcasting, newspapers, magazines, billboards, direct mail, or similar types of general public communication or political advertising); *Provided*, That such payments are made from contributions subject to the limitations and prohibitions of this Act;

(xii) the payment by a State or local committee of a political party of the costs of voter registration and get-out-the-vote activities conducted by such committee on behalf of nominees of such party for President and Vice President: *Provided*, That—

(1) such payments are not for the costs of campaign materials or activities used in connection with any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising;

(2) such payments are made from contributions subject to the limitations and prohibitions of this Act; and

(3) such payments are not made from contributions designated to be spent on behalf of a particular candidate or candidates;

(xiii) payments made by a candidate or the authorized committee of a candidate as a condition of ballot access and payments received by any political party committee as a condition of ballot access; and

(xiv) any honorarium (within the meaning of section 441i of this title).

(9)(A) The term "expenditure" includes—

(i) any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made by any person for the purpose of influencing any election for Federal office; and

(ii) a written contract, promise, or agreement to make an expenditure.

(B) The term "expenditure" does not include—

(i) any news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate;

(ii) nonpartisan activity designed to encourage individuals to vote or to register to vote;

(iii) any communication by any membership organization or corporation to its members, stockholders, or executive or administrative personnel, if such membership organization or corporation is not organized primarily for the purpose of influencing the nomination for election, or election, of any individual to Federal office, except that the costs incurred by a membership organization (including a labor organization) or by a corporation directly attributable to a communication expressly advocating the election or defeat of a clearly identified candidate (other than a communication primarily devoted to subjects other than the express advocacy of the election or defeat of a clearly identified candidate), shall, if such costs exceed $2,000 for any election, be reported to the Commission in accordance with section 434(a)(4)(A)(i) of this title, and in accordance with section 434(a)(4)(A)(ii) of this title with respect to any general election;

(iv) the payment by a State or local committee of a political party of the costs of preparation, display, or mailing or other distribution incurred by such committee with respect to a printed slate card or sample ballot, or other printed listing, of 3 of more candidates for any public office for which an election is held in the State in which such committee is organized, except that this clause shall not apply to costs incurred by such committee with respect to a display of any such listing made on broadcasting stations, or in newspapers, magazines, or similar types of general public political advertising;

(v) any payment made or obligation incurred by a corporation or a labor organization which, under section 441b(b) of this title, would not constitute an expenditure by such corporation or labor organization;

(vi) any costs incurred by an authorized committee or candidate in connection with the solicitation of contributions on behalf of such candidate, except that this clause shall not apply with respect to costs incurred by an authorized committee of a candidate in excess of an amount equal to 20 percent of the expenditure limitation applicable to such candidate under section 441a(b) of this title, but all such costs shall be reported in accordance with section 434(b) of this title;

(vii) the payment of compensation for legal or accounting services—

(I) rendered to or on behalf of any political committee of a political party if the person paying for such services is the regular employer of the individual rendering such services, and if such services are not attributable to activities which directly further the election of any designated candidate to Federal office; or

(II) rendered to or on behalf of a candidate or political committee if the person paying for such services is the regular employer of the individual rendering such services, and if such services are solely for the purpose of ensuring compliance with this Act or chapter 95 or chapter 96 of Title 26,

but amounts paid or incurred by the regular employer for such legal or accounting services shall be reported in accordance with section 434(b) of this title by the committee receiving such services;

(viii) the payment by a State or local committee of a political party of the costs of campaign materials (such as pins, bumper stickers, handbills, brochures, posters, party tabloids, and yard signs) used by such committee in connection with volunteer activities on behalf of nominees of such party: *Provided*, That—

(1) such payments are not for the costs of campaign materials or activities used in connection with any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising;

(2) such payments are made from contributions subject to the limitations and prohibitions of this Act; and

(3) such payments are not made from contributions designated to be spent on behalf of a particular candidate or particular candidates;

(ix) the payment by a State or local committee of a political party of the costs of voter registration and get-out-the-vote activities conducted by such committee on behalf of nominees of such party for President and Vice President: *Provided*, That—

(1) such payments are not for the costs of campaign materials or activities used in connection with any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising;

(2) such payments are made from contributions subject to the limitations and prohibitions of this Act; and

(3) such payments are not made from contributions designated to be spent on behalf of a particular candidate or candidates; and

(x) payments received by a political party committee as a condition of ballot access which are transferred to another political party committee or the appropriate State official.

(10) The term "Commission" means the Federal Election Commission.

(11) The term "person" includes an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons, but such term does not include the Federal Government or any authority of the Federal Government.

(12) The term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

(13) The term "identification" means—

(A) in the case of any individual, the name, the mailing address, and the occupation of such individual, as well as the name of his or her employer; and

(B) in the case of any other person, the full name and address of such person.

(14) The term "national committee" means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the national level, as determined by the Commission.

(15) The term "State committee" means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the State level, as determined by the Commission.

(16) The term "political party" means an association, committee, or organization which nominates a candidate for election to any Federal office whose name appears on the election ballot as the candidate of such association, committee, or organization.

(17) The term "independent expenditure" means an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate, and which is not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate.

(18) The term "clearly identified" means that—

(A) the name of the candidate involved appears;

(B) a photograph or drawing of the candidate appears; or

(C) the identity of the candidate is apparent by unambiguous reference.

(19) The term "Act" means the Federal Election Campaign Act of 1971 as amended. (Feb. 7, 1972, Pub. L. 92-225, §301, 86 Stat. 11; amended Oct. 15, 1974, §201(a), 208(c)(1), 88 Stat. 1272, 1286; amended May 11, 1976, Pub. L. 94-283, §102, 115(d), (h), 90 Stat. 478, 495, 496; amended Jan. 8, 1980, Pub. L. 96-187, Title I, §101, 93 Stat. 1339.)

§432. Organization of political committees. 399.9

(a) Treasurer; vacancy; official authorizations.

Every political committee shall have a treasurer. No contribution or expenditure shall be accepted or made by or on behalf of a political committee during any period in which the office of treasurer is vacant. No expenditure shall be made for or on behalf of a political committee without the authorization of the treasurer or his or her designated agent.

(b) Account of contributions; segregated funds.

(1) Every person who receives a contribution for an authorized political committee shall, no later than 10 days after receiving such contribution, forward to the treasurer such contribution, and if the amount of the contribution is in excess of $50 the name and address of the person making the contribution and the date of receipt.

(2) Every person who receives a contribution for a political committee which is not an authorized committee shall—

(A) if the amount of the contribution is $50 or less, forward to the treasurer such contribution no later than 30 days after receiving the contribution; and

(B) if the amount of the contribution is in excess of $50, forward to the treasurer such contribution, the name and address of the person making the contribution, and the date of receipt of the contribution, no later than 10 days after receiving the contribution.

(3) All funds of a political committee shall be segregated from, and may not be commingled with, the personal funds of any individual.

(c) Recordkeeping.

The treasurer of a political committee shall keep an account of—

(1) all contributions received by or on behalf of such political committee;

(2) the name and address of any person who makes any contribution in excess of $50, together with the date and amount of such contribution by any person;

(3) the identification of any person who makes a contribution or contributions aggregating more than $200 during a calendar year, together with the date and amount of any such contribution;

(4) the identification of any political committee which makes a contribution, together with the date and amount of any such contribution; and

(5) the name and address of every person to whom any disbursement is made, the date, amount, and purpose of the disbursement, and the name of the candidate and the office sought by the candidate, if any, for whom the disbursement was made, including a receipt, invoice, or canceled check for each disbursement in excess of $200.

(d) Preservation of records and copies of reports.

The treasurer shall preserve all records required to be kept by this section and copies of all reports required to be filed by this subchapter for 3 years after the report is filed.

(e) Principal and additional campaign committees; designations, status of candidate, authorized committees, etc.

(1) Each candidate for Federal office (other than the nominee for the office of Vice President) shall designate in writing a political committee in accordance with paragraph (3) to serve as the principal campaign committee of such candidate. Such designation shall be made no later than 15 days after becoming a candidate. A candidate may designate additional political committees in accordance with paragraph (3) to serve as authorized committees of such candidate. Such designation shall be in writing and filed with the principal campaign committee of such candidate in accordance with subsection (f)(1) of this section.

(2) Any candidate described in paragraph (1) who receives a contribution, or any loan for use in connection with the campaign of such candidate for election, or makes a disbursement in connection with such campaign, shall be considered, for purposes of this Act, as having received the contribution or loan, or as having made the disbursement, as the case may be, as an agent of the authorized committee or committees of such candidate.

(3)(A) No political committee which supports or has supported more than one candidate may be designated as an authorized committee, except that—

(i) the candidate for the office of President nominated by a political party may designate the national committee of such political party as a principal campaign committee, but only if that national committee maintains separate books of account with respect to its function as a principal campaign committee; and

(ii) candidates may designate a political committee established solely for the purpose of joint fundraising by such candidates as a authorized committee.

(B) As used in this section, the term "support" does not include a contribution by any authorized committee in amounts of $1,000 or less to an authorized committee of any other candidate.

(4) The name of each authorized committee shall include the name of the candidate who authorized such committee under paragraph (1). In the case of any political committee which is not an authorized committee, such political committee shall not include the name of any candidate in its name.

(5) The name of any separate segregated fund established pursuant to section 441b(b) of this title shall include the name of its connected organization.

(f) Filing with and receipt of designations, statements, and reports by principal campaign committee.

(1) Notwithstanding any other provision of this Act, each designation, statement, or report of receipts or disbursements made by an authorized committee of a candidate shall be filed with the candidate's principal campaign committee.

(2) Each principal campaign committee shall receive all designations, statements, and reports required to be filed with it under paragraph (1) and shall compile and file such designations, statements, and reports in accordance with this Act.

(g) Filing with and receipt of designations, statements, and reports by Clerk of House of Representatives or Secretary of Senate; forwarding to Commission; filing requirements with Commission; public inspection and preservation of designations, etc.

(1) Designations, statements, and reports required to be filed under this Act by a candidate or by an authorized committee of a candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress, and by the principal campaign committee of such a candidate, shall be filed with the Clerk of the House of Representatives, who shall receive such designations, statements, and reports as custodian for the Commission.

(2) Designations, statements, and reports required to be filed under this Act by a candidate for the office of Senator, and by the principal campaign committee of such candidate, shall be filed with the Secretary of the Senate, who shall receive such designations, statements, and reports, as custodian for the Commission.

(3) The Clerk of the House of Representatives and the Secretary of the Senate shall forward a copy of any designation, statement, or report filed with them under this subsection to the Commission as soon as possible (but no later than 2 working days) after receiving such designation, statement, or report.

(4) All designations, statements, and reports required to be filed under this Act, except designations, statements, and reports filed in accordance with paragraphs (1) and (2), shall be filed with the Commission.

(5) The Clerk of the House of Representatives and the Secretary of the Senate shall make the designations, statements, and reports received under this subsection available for public inspection and copying in the

same manner as the Commission under section 438(a)(4) of this title, and shall preserve such designations, statements, and reports in the same manner as the Commission under section 438(a)(5) of this title.

(h) Campaign depositories; designations, maintenance of accounts, etc.; petty cash fund for disbursements; record of disbursements.

(1) Each political committee shall designate one or more State banks, federally chartered depository institutions, or depository institutions the deposits or accounts of which are insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration, as its campaign depository or depositories. Each political committee shall maintain at least one checking account and such other accounts as the committee determines at a depository designated by such committee. All receipts received by such committee shall be deposited in such accounts. No disbursements may be made (other than petty cash disbursements under paragraph (2)) by such committee except by check drawn on such accounts in accordance with this section.

(2) A political committee may maintain a petty cash fund for disbursements not in excess of $100 to any person in connection with a single purchase or transaction. A record of all petty cash disbursements shall be maintained in accordance with subsection (c)(5) of this section.

(i) When the treasurer of a political committee shows that best efforts have been used to obtain, maintain, and submit the information required by this Act for the political committee, any report or any records of such committee shall be considered in compliance with this Act or chapter 95 or chapter 96 of Title 26. (Feb. 7, 1972, Pub. L. 92-225. § 302, 86 Stat. 12; amended Oct. 15, 1974, Pub. L. 93-443, § 202, 208(c)(2), 88 Stat. 1275, 1286; amended May 11, 1976, Pub. L. 94-283, § 103, 90 Stat. 480; amended Jan. 8, 1980, Pub. L. 96-187, Title I, § 102, 93 Stat. 1345.)

399.10 **§ 433. Registration of political committees.**

(a) Statements of organizations.

Each authorized campaign committee shall file a statement of organization no later than 10 days after designation pursuant to section 432(e)(1) of this title. Each separate segregated fund established under the provisions of section 441b(b) of this title shall file a statement of organization no later than 10 days after establishment. All other committees shall file a statement or organization within 10 days after becoming a political committee within the meaning of section 431(4) of this title.

(b) Contents of statements.

The statement of organization of a political committee shall include—

(1) the name, address, and type of committee;

(2) the name, address, relationship, and type of any connected organization or affiliated committee;

(3) the name, address, and position of the custodian of books and accounts of the committee;

(4) the name and address of the treasurer of the committee;

(5) if the committee is authorized by a candidate, the name, address, office sought, and party affiliation of the candidate; and

(6) a listing of all banks, safety deposit boxes, or other depositories used by the committee.

(c) Change of information in statements.

Any change in information previously submitted in a statement of organization shall be reported in accordance with section 432(g) of this title no later than 10 days after the date of the change.

(d) Termination, etc., requirements and authorities.

(1) A political committee may terminate only when such a committee files a written statement, in accordance with section 432(g) of this title, that it will no longer receive any contributions or make any disbursements and that such committee has no outstanding debts or obligations.

(2) Nothing contained in this subsection may be construed to eliminate or limit the authority of the Commission to establish procedures for—

(A) the determination of insolvency with respect to any political committee;

(B) the orderly liquidation of an insolvent political committee, and the orderly application of its assets for the reduction of outstanding debts; and

(C) the termination of an insolvent political committee after such liquidation and application of assets.

(Feb. 7, 1972, Pub. L. 92-225, § 303, 86 Stat. 14; amended Oct. 15, 1974, Pub. L. 93-443, § 203, 208(c)(3), 88 Stat. 1276, 1886; amended Jan. 8, 1980, Pub. L. 96-187, Title I, § 103, 93 Stat. 1347.)

§ 434. Reporting requirements. 399.11

(a) Receipts and disbursements by treasurers of political committees; filing requirements.

(1) Each treasurer of a political committee shall file reports of receipts and disbursements in accordance with the provisions of this subsection. The treasurer shall sign each such report.

(2) If the political committee is the principal campaign committee of a candidate for the House of Representatives or for the Senate—

(A) in any calendar year during which there is regularly scheduled election for which such candidate is seeking election, or nomination for election, the treasurer shall file the following reports:

(i) a pre-election report, which shall be filed no later than the 12th day before (or posted by registered or certified mail no later than the 15th day before) any election in which such candidate is seeking election, or nomination for election, and which shall be complete as of the 20th day before such election;

(ii) a post-general election report, which shall be filed no later than the 30th day after any general election in which such candidate has sought election, and which shall be complete as of the 20th day after such general election; and

(iii) additional quarterly reports, which shall be filed no later than the 15th day after the last day of each calendar quarter, and which shall be complete as of the last day of each calendar quarter: except that the report for the quarter ending December 31 shall be filed no later than January 31 of the following calendar year; and

(B) in any other calendar year the following reports shall be filed:

(i) a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31; and

(ii) a report covering the period beginning July 1 and ending December 31, which shall be filed no later than January 31 of the following calendar year.

(3) If the committee is the principal campaign committee of a candidate for the office of President—

(A) in any calendar year during which a general election is held to fill such office—

(i) the treasurer shall file monthly reports if such committee has on January 1 of such year, received contributions aggregating $100,000 or made expenditures aggregating $100,000 or anticipates receiving contributions aggregating $100,000 or more or making expenditures aggregating $100,000 or more during such year; such monthly reports shall be filed no later than the 20th day after the last day of each month and shall be complete as of the last day of the month, except that, in lieu of filing the report otherwise due in November and December, a pre-general election report shall be filed in accordance with paragraph (2)(A)(i), a post-general election report shall be filed in accordance with paragraph (2)(A)(ii), and a year end report shall be filed no later than January 31 of the following calendar year;

(ii) the treasurer of the other principal campaign committees of a candidate for the office of President shall file a pre-election report or reports in accordance with paragraph (2)(A)(i), a post-general election report in accordance with paragraph (2)(A)(ii), and quarterly reports in accordance with paragraph (2)(A)(iii); and

(iii) if at any time during the election year a committee filing under paragraph (3)(A)(ii) receives contributions in excess of $100,000 or makes expenditures in excess of $100,000, the treasurer shall begin filing monthly reports under paragraph (3)(A)(i) at the next reporting period; and

(B) in any other calendar year, the treasurer shall file either—

(i) monthly reports, which shall be filed no later than the 20th day after the last day of each month and shall be complete as of the last day of the month; or

(ii) quarterly reports, which shall be filed no later than the 15th day after the last day of each calendar quarter and which shall be complete as of the last day of each calendar quarter.

(4) All political committees other than authorized committees of a candidate shall file either—

(A)(i) quarterly reports, in a calendar year in which a regularly scheduled general election is held, which shall be filed no later than the 15th day after the last day of each calendar quarter: except that the report for the quarter ending on December 31 of such calendar year shall be filed no later than January 31 of the following calendar year;

(ii) a pre-election report, which shall be filed no later than the 12th day before (or posted by registered or certified mail no later than the 15th day before) any election in which the committee makes a contribution to or expenditure on behalf of a candidate in such election, and which shall be complete as of the 20th day before the election;

(iii) a post-general election report, which shall be filed no later than the 30th day after the general election and which shall be complete as of the 20th day after such general election; and

(iv) in any other calendar year, a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31 and a report covering the period beginning July 1 and ending December 31, which shall be filed no later than January 31 of the following calendar year; or

(B) Monthly reports in all calendar years which shall be filed no later than the 20th day after the last day of the month and shall be complete as of the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of any year in which a regularly scheduled general election is held, a pre-general election report shall be filed in accordance with paragraph (2)(A)(i), a post-general election report shall be filed in accordance with paragraph (2)(A)(ii), and a year end report shall be filed no later than January 31 of the following calendar year.

(5) If a designation, report, or statement filed pursuant to this Act (other than under paragraph (2)(A)(i) or (4)(A)(ii) is sent by registered or certified mail, the United States postmark shall be considered the date of filing of the designation, report, or statement.

(6)(A) The principal campaign committee of a candidate shall notify the Clerk, the Secretary, or the Commission, and the Secretary of State, as appropriate, in writing, of any contribution of $1,000 or more received by any authorized committee of such candidate after the 20th day, but more than 48 hours before, any election. This notification shall be made within 48 hours after the receipt of such contribution and shall include the name of the candidate and the office sought by the candidate, the identification of the contributor, and the date of receipt and amount of the contribution.

(B) The notification required under this paragraph shall be in addition to all other reporting requirements under this Act.

(7) The reports required to be filed by this subsection shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during such year, only the amount need be carried forward.

(8) The requirement for a political committee to file a quarterly report under paragraph (2)(A)(iii) or paragraph (4)(A)(i) shall be waived if such committee is required to file a pre-election report under paragraph (2)(A)(i), or paragraph (4)(A)(ii) during the period beginning on the 5th day after the close of the calendar quarter and ending on the 15th day after the close of the calendar quarter.

(9) The Commission shall set filing dates for reports to be filed by principal campaign committees of candidates seeking election, or nomination for election, in special elections and political committees filing under paragraph (4)(A) which make contributions to or expenditures on behalf of a candidate or candidates in special elections. The Commission shall require no more than one pre-election report for each election and one post-election report for the election which fills the vacancy. The Commission may waive any reporting obligation of committees required to file for special elections if any report required by paragraph (2) or (4)

is required to be filed within 10 days of a report required under this subsection. The Commission shall establish the reporting dates within 5 days of the setting of such election and shall publish such dates and notify the principal campaign committees of all candidates in such election of the reporting dates.

(10) The treasurer of a committee supporting a candidate for the office of Vice President (other than the nominee of a political party) shall file reports in accordance with paragraph (3).

(b) Contents of reports

Each report under this section shall disclose—

(1) the amount of cash on hand at the beginning of the reporting period;

(2) for the reporting period and the calendar year, the total amount of all receipts, and the total amount of all receipts in the following categories:

(A) contributions from persons other than political committees;

(B) for an authorized committee, contributions from the candidate;

(C) contributions from political party committees;

(D) contributions from other political committees;

(E) for an authorized committee, transfers from other authorized committees of the same candidate;

(F) transfers from affiliated committees and, where the reporting committee is a political party committee, transfers from other political party committees, regardless of whether such committees are affiliated;

(G) for an authorized committee, loans made by or guaranteed by the candidate;

(H) all other loans;

(I) rebates, refunds, and other offsets to operating expenditures;

(J) dividends, interest, and other forms of receipts; and

(K) for an authorized committee of a candidate for the office of President, Federal funds received under chapter 95 and chapter 96 of Title 26;

(3) the identification of each—

(A) person (other than a political committee) who makes a contribution to the reporting committee during the reporting period, whose contribution or contributions have an aggregate amount or value in excess of $200 within the calendar year, or in any lesser amount if the reporting committee should so elect, together with the date and amount of any such contribution;

(B) political committee which makes a contribution to the reporting committee during the reporting period, together with the date and amount of any such contribution;

(C) authorized committee which makes a transfer to the reporting committee;

(D) affiliated committee which makes a transfer to the reporting committee during the reporting period and, where the reporting committee is a political party committee, each transfer of funds to the reporting committee from another political party committee, regardless of whether such committees are affiliated, together with the date and amount of such transfer;

(E) person who makes a loan to the reporting committee during the reporting period, together with the identification of any endorser or guarantor of such loan, and the date and amount or value of such loan;

(F) person who provides a rebate, refund, or other offset to operating expenditures to the reporting committee in an aggregate amount or value in excess of $200 within the calendar year, together with the date and amount of such receipt; and

(G) person who provides any dividend, interest, or other receipt to the reporting committee in an aggregate value or amount in excess of $200 within the calendar year, together with the date and amount of any such receipt;

(4) for the reporting period and the calendar year, the total amount of all disbursements, and all disbursements in the following categories:

(A) expenditures made to meet candidate or committee operating expenses;

(B) for authorized committees, transfers to other committees authorized by the same candidate;

(C) transfers to affiliated committees and, where the reporting committee is a political party committee, transfers to other political party committees, regardless of whether they are affiliated;

(D) for an authorized committee, repayment of loans made by or guaranteed by the candidate;

(E) repayment of all other loans;

(F) contribution refunds and other offsets to contributions;

(G) for an authorized committee, any other disbursements;

(H) for any political committee other than an authorized committee—

(i) contributions made to other political committees;

(ii) loans made by the reporting committees;

(iii) independent expenditures;

(iv) expenditures made under section 441a(d) of this title;

(v) any other disbursements; and

(I) for an authorized committee of a candidate for the office of President, disbursements not subject to the limitation of section 441a(b) of this title;

(5) the name and address of each—

(A) person to whom an expenditure in an aggregate amount or value in excess of $200 within the calendar year is made by the reporting committee to meet a candidate or committee operating expense, together with the date, amount, and purpose of such operating expenditure;

(B) authorized committee to which a transfer is made by the reporting committee;

(C) affiliated committee to which a transfer is made by the reporting committee during the reporting period and, where the reporting committee is a political party committee, each transfer of funds by the reporting committee to another political party committee, regardless of whether such committees are affiliated, together with the date and amount of such transfers;

(D) person who receives a loan repayment from the reporting committee during the reporting period, together with the date and amount of such loan repayment; and

(E) person who receives a contribution refund or other offset to contributions from the reporting committee where such contribution was reported under paragraph (3)(A) of this subsection, together with the date and amount of such disbursement;

(6)(A) for an authorized committee, the name and address of each person who has received any disbursement not disclosed under paragraph (5) in an aggregate amount or value in excess of $200 within the calendar year, together with the date and amount of any such disbursement;

(B) for any other political committee, the name and address of each—

(i) political committee which has received a contribution from the reporting committee during the reporting period, together with the date and amount of any such contribution;

(ii) person who has received a loan from the reporting committee during the reporting period, together with the date and amount of such loan;

(iii) person who receives any disbursement during the reporting period in an aggregate amount or value in excess of $200 within the calendar year in connection with an independent expenditure by the reporting committee, together with the date, amount, and purpose of any such independent expenditure and a statement which indicates whether such independent expenditure is in support of, or in opposition to, a candidate, as well as the name and office sought by such candidate, and a certification, under penalty of perjury, whether such independent expenditure is made in cooperation, consultation, or concert, with, or at the request or suggestion of any candidate or any authorized committee or agent of such committee;

(iv) person who receives any expenditure from the reporting committee during the reporting period in connection with an expenditure under section 441a(d) of this title, together with the date, amount, and purpose of any such expenditure as well as the name of, and office sought by, the candidate on whose behalf the expenditure is made; and

(v) person who has received any disbursement not otherwise disclosed in this paragraph or paragraph (5) in an aggregate amount or value in excess of $200 within the calendar year from the reporting committee within the reporting period, together with the date, amount, and purpose of any such disbursement;

(7) the total sum of all contributions to such political committee, together with the total contributions less offsets to contributions and the total sum of all operating expenditures made by such political committee, together with total operating expenditures less offsets to operating expenditures, for both the reporting period and the calendar year; and

(8) the amount and nature of outstanding debts and obligations owed by or to such political committee; and where such debts and obligations are settled for less than their reported amount or value, a statement as to the circumstances and conditions under which such debts or obligations were extinguished and the consideration therefor.

(c) Statements by other than political committees; filing; contents; indices of expenditures.

(1) Every person (other than a political committee) who makes independent expenditures in an aggregate amount or value in excess of $250

during a calendar year shall file a statement containing the information requiring under subsection (b)(3)(A) of this section for all contributions received by such person.

(2) Statements required to be filed by this subsection shall be filed in accordance with subsection (a)(2) of this section, and shall include—

(A) the information required by subsection (b)(6)(B)(iii) of this section, indicating whether the independent expenditure is in support of, or in opposition to, the candidate involved;

(B) under penalty of perjury, a certification whether or not such independent expenditure is made in cooperation, consultation, or concert, with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate; and

(C) the identification of each person who made a contribution in excess of $200 to the person filing such statement which was made for the purpose of furthering an independent expenditure.

Any independent expenditure (including those described in subsection (b)(6)(B)(iii) of this section) aggregating $1,000 or more made after the 20th day, but more than 24 hours, before any election shall be reported within 24 hours after such independent expenditure is made. Such statement shall be filed with the Clerk, the Secretary, or the Commission and the Secretary of State and shall contain the information required by subsection (b)(6)(B)(iii) of this section indicating whether the independent expenditure is in support of, or in opposition to, the candidate involved.

(3) The Commission shall be responsible for expeditiously preparing indices which set forth, on a candidate-by-candidate basis, all independent expenditures separately, including those reported under subsection (b)(6)(B)(iii) of this section, made by or for each candidate, as reported under this subsection, and for periodically publishing such indices on a timely pre-election basis. (May 11, 1976, Pub. L. 94-283, § 104, 90 Stat. 480; amended Jan. 8, 1980, Pub. L. 96-187, Title I, § 104, 93 Stat. 1348.)

§ 435. (Repealed.)

(Feb. 7, 1972, Pub. L. 92-225, § 305, 86 Stat. 16; amended Oct. 15, 1974, Pub. L. 93-443, § 205, 88 Stat. 1278; Repealed Jan. 8, 1978, Pub. L. 96-187, Title I, § 105(1), 93 Stat. 1354.)

§ 436. (Repealed.)

(Feb. 7, 1972, Pub. L. 92-225, § 306, 86 Stat. 16; Oct. 15, 1974, Pub. L. 93-443, §§ 206, 207, 208(c)(5), 88 Stat. 1278, 1279, 1286; May 11, 1976, Pub. L. 94-283, § 115(a), 90 Stat. 495; Repealed Jan. ~~8,~~ 1980, Pub. L. 96-187, Title I, § 105(1), 93 Stat. 1354.)

§ 437. Reports on convention financing. 399.14

Each committee or other organization which—

(1) represents a State, or a political subdivision thereof, or any group of persons, in dealing with officials of a national political party with respect to matters involving a convention held in such State or political subdivision to nominate a candidate for the office of President or Vice President, or

(2) represents a national political party in making arrangements for the convention of such party held to nominate a candidate for the office of President or Vice President,

shall, within 60 days following the end of the convention (but not later than 20 days prior to the date on which presidential and vice presidential electors are chosen), file with the Commission a full and complete financial statement, in such form and detail as it may prescribe, of the sources from which it derived its funds, and the purposes for which such funds were expended. (Feb. 7, 1972, Pub. L. 92-225, § 307, 86 Stat. 16; Oct. 15, 1974, Pub. L. 93-443, § 208(c)(6), 88 Stat. 1286; Jan. 8, 1980, Pub. L. 96-187, Title I, §§ 105(2), 112a, 93 Stat. 1354, 1366.)

§ 437a. (Repealed.)

§ 437b. (Repealed.)

(Oct. 15, 1974, Pub. L. 93-443, § 208(a), 88 Stat. 1280; May 11, 1976, Pub. L. 94-283, §§ 105, 106, 115(i), 90 Stat. 481, 496; Jan. 8, 1980, Pub. L. 96-187, Title I, § 105(1), 93 Stat. 1354.)

399.14-3 § 437c. Federal Election Commission.

(a) Establishment; membership; term of office; vacancies; qualifications; compensation; chairman and vice chairman.

(1) There is established a commission to be known as the Federal Election Commission. The Commission is composed of the Secretary of the Senate and the Clerk of the House of Representatives or their designees, ex officio and without the right to vote, and 6 members appointed by the President, by and with the advice and consent of the Senate. No more than 3 members of the Commission appointed under this paragraph may be affiliated with the same political party.

(2)(A) Members of the Commission shall serve for terms of 6 years, except that of the members first appointed—

(i) two of the members, not affiliated with the same political party, shall be appointed for terms ending on April 30, 1977;

(ii) two of the members, not affiliated with the same political party, shall be appointed for terms ending on April 30, 1979; and

(iii) two of the members, not affiliated with the same political party, shall be appointed for terms ending on April 30, 1981.

(B) A member of the Commission may serve on the Commission after the expiration of his or her term until his or her successor has taken office as a member of the Commission.

(C) An individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed only for the unexpired term of the member he or she succeeds.

(D) Any vacancy occurring in the membership of the Commission shall be filled in the same manner as in the case of the original appointment.

(3) Members shall be chosen on the basis of their experience, integrity, impartiality, and good judgment and members (other than the Secretary of the Senate and the Clerk of the House of Representatives) shall be individuals who, at the time appointed to the Commission, are not elected or appointed officers or employees in the executive, legislative, or judicial branch of the Federal Government. Such members of the Commission shall not engage in any other business, vocation, or employment. Any individual who is engaging in any other business, vocation, or employment at the time of his or her appointment to the Commission shall terminate or liquidate such activity no later than 90 days after such appointment.

(4) Members of the Commission (other than the Secretary of the Senate and the Clerk of the House of Representatives) shall receive compensation equivalent to the compensation paid at level IV of the Executive Schedule (section 5315 of Title 5).

(5) The Commission shall elect a chairman and a vice chairman from among its members (other than the Secretary of the Senate and the Clerk of the House of Representatives) for a term of one year. A member may serve as chairman only once during any term of office to which such member is appointed. The chairman and the vice chairman shall not be affiliated with the same political party. The vice chairman shall act as chairman in the absence or disability of the chairman or in the event of a vacancy in such office.

(b) Administration, enforcement, and formulation of policy; exclusive jurisdiction of civil enforcement; Congressional authorities or functions with respect to elections for Federal office.

(1) The Commission shall administer, seek to obtain compliance with, and formulate policy with respect to, this Act and chapter 95 and chapter 96 of Title 26. The Commission shall have exclusive jurisdiction with respect to this civil enforcement of such provisions.

(2) Nothing in this Act shall be construed to limit, restrict, or diminish any investigatory, informational, oversight, supervisory, or disciplinary authority or function of the Congress or any committee of the Congress with respect to elections for Federal office.

(c) Voting requirements; delegation of authorities.

All decisions of the Commission with respect to the exercise of its duties and powers under the provisions of this Act shall be made by a majority vote of the members of the Commission. A member of the Commission may not delegate to any person his or her vote or any decisionmaking authority or duty vested in the Commission by the provisions of this Act, except that the affirmative vote of 4 members of the Commission shall be required in order for the Commission to take any action in accordance with paragraph (6), (7), (8), or (9) of section 437d(a) of this title or with chapter 95 or chapter 96 of Title 26.

(d) Meetings.

The Commission shall meet at least once each month and also at the call of any member.

(e) Rules for conduct of activities; judicial notice of seal; principal office.

The Commission shall prepare written rules for the conduct of its activities, shall have an official seal which shall be judicially noticed, and shall have its principal office in or near the District of Columbia (but it may meet or exercise any of its powers anywhere in the United States).

(f) Staff director and general counsel; appointment and compensation; appointment and compensation of personnel and procurement of intermittent services by staff director; use of assistance, personnel, and facilities of Federal agencies and departments; counsel for defense of actions.

(1) The Commission shall have a staff director and a general counsel who shall be appointed by the Commission. The staff director shall be paid at a rate not to exceed the rate of basic pay in effect for level IV of the Executive Schedule (section 5315 of Title 5). The general counsel shall be paid at a rate not to exceed the rate of basic pay in effect for level V of the Executive Schedule (section 5316 of Title 5). With the approval of the Commission, the staff director may appoint and fix the pay of such additional personnel as he or she considers desirable without regard to the provisions of Title 5, governing appointments in the competitive service.

(2) With the approval of the Commission, the staff director may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay in effect for grade GS-15 of the General Schedule (section 5332 of Title 5).

(3) In carrying out its responsibilities under this Act, the Commission shall, to the fullest extent practicable, avail itself of the assistance, including personnel and facilities of other agencies and departments of the United States. The heads of such agencies and departments may make available to the Commission such personnel, facilities, and other assistance, with or without reimbursement, as the Commission may request.

(4) Notwithstanding the provisions of paragraph (2) the Commission is authorized to appear in and defend against any action instituted under this Act, either (A) by attorneys employed in office, or (B) by counsel whom it may appoint, on a temporary basis as may be necessary for such purpose, without regard to the provisions of Title 5, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title. The compensation of counsel so appointed on a temporary basis shall be paid out of any funds otherwise available to pay the compensation of employees of the Commission. (Pub. L. 92-225, Title III, §306, formerly §310, as added Pub. L. 93-443, Title II, §208(a), Oct. 15, 1974, 88 Stat. 1280, renumbered §309, and amended Pub. L. 94-283, Title I, §§101(a)-(d), 105, May 11, 1976, 90 Stat. 475, 476, 481, renumbered §306 and amended Pub. L. 96-187, Title I, §§105(3), (6), 112(b), Jan. 8, 1980, 93 Stat. 1354, 1366.)

399.14-4 § 437d. Powers of Commission.

(a) Specific authorities.

The Commission has the power—

(1) to require by special or general orders, any person to submit, under oath, such written reports and answers to questions as the Commission may prescribe;

(2) to administer oaths or affirmations;

(3) to require by subpena, signed by the chairman or the vice chairman, the attendance and testimony of witnesses and the pro-

duction of all documentary evidence relating to the execution of its duties;

(4) in any proceeding or investigation, to order testimony to be taken by deposition before any person who is designated by the Commission and has the power to administer oaths and, in such instances, to compel testimony and the production of evidence in the same manner as authorized under paragraph (3);

(5) to pay witnesses the same fees and mileages as are paid in like circumstances in the courts of the United States;

(6) to initiate (through civil actions for injunctive, declaratory, or other appropriate relief), defend (in the case of any civil action brought under section 437g(a)(8) of this title) or appeal any civil action in the name of the Commission to enforce the provisions of this Act and chapter 95 and chapter 96 of Title 26, through its general counsel;

(7) to render advisory opinions under section 437f of this title;

(8) to develop such prescribed forms and to make, amend, and repeal such rules, pursuant to the provisions of chapter 5 of Title 5, as are necessary to carry out the provisions of this Act and chapter 95 and chapter 96 of Title 26; and

(9) to conduct investigations and hearings expeditiously, to encourage voluntary compliance, and to report apparent violations to the appropriate law enforcement authorities.

(b) Judicial orders for compliance with subpenas and orders of commission; contempt of court.

Upon petition by the Commission, any United States district court within the jurisdiction of which any inquiry is being carried on may, in case of refusal to obey a subpena or order of the Commission issued under subsection (a) of this section, issue an order requiring compliance. Any failure to obey the order of the court may be punished by the court as a contempt thereof.

(c) Civil liability for disclosure of information.

No person shall be subject to civil liability to any person (other than the Commission or the United States) for disclosing information at the request of the Commission.

(d) Concurrent transmissions to Congress or member of budget estimates, etc.; prior submission of legislative recommendations, testimony, or comments on legislation.

(1) Whenever the Commission submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy of such estimate or request to the Congress.

(2) Whenever the Commission submits any legislative recommendation, or testimony, or comments on legislation, requested by the Congress or by any Member of the Congress, to the President or the Office of Management and Budget, it shall concurrently transmit a copy thereof to the Congress or to the Member requesting the same. No officer or agency of the United States shall have any authority to require the Commission to submit its legislative recommendations, testimony, or comments on legislation, to any office or agency of the United States for approval, com-

ments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress.

(e) Exclusive civil remedy for enforcement.

Except as provided in section 437g(a)(8) of this title, the power of the Commission to initiate civil actions under subsection (a)(6) of this section shall be the exclusive civil remedy for the enforcement of the provisions of this Act. (Pub. L. 92-225, Title III, § 307, formerly § 311, as added Pub. L. 93-443, Title II, § 208(a), Oct. 15, 1974, 88 Stat. 1282, renumbered § 310 and amended Pub. L. 94-283, Title I, §§ 105, 107, 115(b), May 11, 1976, 90 Stat. 481, 482, 495, renumbered § 307 and amended Pub. L. 96-187, Title I, §§ 105(3), 106, Jan. 8, 1980, 93 Stat. 1354, 1356.)

§ 437e. (Repealed.)

399.14-6 **§ 437f. Advisory opinions.**

(a) Requests by persons, candidates, or authorized committees; subject matter; time for response.

(1) Not later than 60 days after the Commission receives from a person a complete written request concerning the application of this Act, chapter 95 or chapter 96 of Title 26, or a rule or regulation prescribed by the Commission, with respect to a specific transaction or activity by the person, the Commission shall render a written advisory opinion relating to such transaction or activity to the person.

(2) if an advisory opinion is requested by a candidate, or any authorized committee of such candidate, during the 60-day period before any election for Federal office involving the requesting party, the Commission shall render a written advisory opinion relating to such request no later than 20 days after the Commission receives a complete written request:

(b) Procedures applicable to initial proposal of rules or regulations, and advisory opinions.

Any rule of law which is not stated in this Act or in chapter 95 or chapter 96 of title 26 may be initially proposed by the Commission only as a rule or regulation pursuant to procedures established in section 438(d) of this title. No opinion of an advisory nature may be issued by the Commission or any of its employees except in accordance with the provisions of this section.

(c) Persons entitled to rely upon opinions; scope of protection for good faith reliance.

(1) Any advisory opinion rendered by the Commission under subsection (a) may be relied upon by—

(A) any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered; and

(B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(2) Notwithstanding any other provisions of law, any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of paragraph (1) and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a

result of any such act, be subject to any sanction provided by this Act or by chapter 95 or chapter 96 of Title 26.

(d) Requests made public; submission of written comments by interested public.

The Commission shall make public any request made under subsection (a) for an advisory opinion. Before rendering an advisory opinion, the Commission shall accept written comments submitted by any interested party within the 10-day period following the date the request is made public. (Pub. L. 92-225, Title III, § 308, formerly § 313, as added Pub. L. 93-443, Title II, § 208(a), Oct. 15, 1974, 88 Stat. 1283, renumbered § 312 and amended Pub. L. 94-283, Title I, §§ 105, 108(a), May 11, 1976, 90 Stat. 481, 482, renumbered § 308 and amended Pub. L. 96-187, Title I, §§ 105(4), 107(a), Jan. 8, 1980, 93 Stat. 1354, 1357.)

§ 437e. (Repealed).

§ 437g. Enforcement. 399.14-7

(a) Administrative and judicial practice and procedure.

(1) Any person who believes a violation of this Act or of chapter 95 or chapter 96 of Title 26 has occurred, may file a complaint with the Commission. Such complaint shall be in writing, signed and sworn to by the person filing such complaint, shall be notarized, and shall be made under penalty of perjury and subject to the provisions of section 1001 of Title 18. Within 5 days after receipt of a complaint, the Commission shall notify, in writing, any person alleged in the complaint to have committed such a violation. Before the Commission conducts any vote on the complaint, other than a vote to dismiss, any person so notified shall have the opportunity to demonstrate, in writing, to the commission within 15 days after notification that no action should be taken against such person on the basis of the complaint. The Commission may not conduct any investigation or take any other action under this section solely on the basis of a complaint of a person whose identify is not disclosed to the Commission.

(2) If the Commission, upon receiving a complaint under paragraph (1) or on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, determines, by an affirmative vote of 4 of its members, that it has reason to believe that a person has committed, or is about to commit, a violation of this Act or chapter 95 or chapter 96 of Title 26, the Commission shall, through its chairman or vice chairman, notify the person of the alleged violation. Such notification shall set forth the factual basis for such alleged violation. The Commission shall make an investigation of such alleged violation, which may include a field investigation or audit, in accordance with the provisions of this section.

(3) The general counsel of the Commission shall notify the respondent of any recommendation to the Commission by the general counsel to proceed to a vote on probable cause pursuant to paragraph (4)(A)(i). With such notification, the general counsel shall include a brief stating the position of the general counsel on the legal and factual issues of the case. Within 15 days of receipt of such brief, respondent may submit a brief stating the position of such respondent on the legal and factual issues of the case, and replying to the brief of general counsel. Such briefs shall be

filed with the Secretary of the Commission and shall be considered by the Commission before proceeding under paragraph (4).

(4)(A)(i) Except as provided in clause (ii), if the Commission determines, by an affirmative vote of 4 of its members, that there is probable cause to believe that any person has committed, or is about to commit, a violation of this Act or of chapter 95 or chapter 96 of Title 26, the Commission shall attempt, for a period of at least 30 days, to correct or prevent such violation by informal methods of conference, conciliation, and persuasion, and to enter into a conciliation agreement with any person involved. Such attempt by the commission to correct or prevent such violation may continue for a period of not more than 90 days. The Commission may not enter into a conciliation agreement under this clause except pursuant to an affirmative vote of 4 of its members. A conciliation agreement, unless violated, is a complete bar to any further action by the Commission, including the bringing of a civil proceeding under paragraph (6)(A).

(ii) If any determination of the Commission under clause (i) occurs during the 45-day period immediately preceding any election, then the Commission shall attempt, for a period of at least 15 days, to correct or prevent the violation involved by the methods specified in clause (i).

(B)(i) No action by the Commission or any person, and no information derived, in connection with any conciliation attempt by the Commission under subparagraph (A) may be made public by the Commission without the written consent of the respondent and the Commission.

(ii) If a conciliation agreement is agreed upon by the Commission and the respondent, the Commission shall make public any conciliation agreement signed by both the Commission and the respondent. If the Commission makes a determination that a person has not violated this Act or chapter 95 or chapter 96 of Title 26, the Commission shall make public such determination.

(5)(A) If the Commission believes that a violation of this Act or of chapter 95 or chapter 96 of Title 26 has been committed, a conciliation agreement entered into by the Commission under paragraph (4)(A) may include a requirement that the person involved in such conciliation agreement shall pay a civil penalty which does not exceed the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation.

(B) If the Commission believes that a knowing and willful violation of this Act or of chapter 95 or chapter 96 of Title 26 has been committed, a conciliation agreement entered into by the Commission under paragraph (4)(A) may require that the person involved in such conciliation agreement shall pay a civil penalty which does not exceed the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation.

(C) If the Commission by an affirmative vote of 4 of its members, determines that there is probable cause to believe that a knowing and willful violation of this Act which is subject to subsection (d) of this section or a knowing and willful violation of chapter 95 or chapter 96 of Title 26, has occurred or is about to occur, it may refer such apparent violation to the Attorney General of the United States without regard to any limitations set forth in paragraph (4)(A).

(D) In any case in which a person has entered into a conciliation agreement with the Commission under paragraph (4)(A), the Commission may institute a civil action for relief under paragraph (6)(A) if it believes that the person has violated any provision of such conciliation agreement. For the Commission to obtain relief in any civil action, the Commission need only establish that the person has violated, in whole or in part, any requirement of such conciliation agreement.

(6)(A) If the Commission is unable to correct or prevent any violation of this Act or of chapter 95 or chapter 96 of Title 26, by the methods specified in paragraph (4)(A), the Commission may, upon an affirmative vote of 4 of its members, institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order (including an order for a civil penalty which does not exceed the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation) in the district court of the United States for the district in which the person against whom such action is brought is found, resides, or transacts business.

(B) In any civil action instituted by the Commission under subparagraph graph (A), the court may grant a permanent or temporary injunction, restraining order, or other order, including a civil penalty which does not exceed the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation, upon a proper showing that the person involved has committed, or is about to commit (if the relief sought is a permanent or temporary injunction or a restraining order), a violation of this Act or chapter 95 or chapter 96 of Title 26.

(C) In any civil action for relief instituted by the Commission under subparagraph (A), if the court determines that the Commission has established that the person involved in such civil action has committed a knowing and willful violation of this Act or of chapter 95 or chapter 96 of Title 26, the court may impose a civil penalty which does not exceed the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation.

(7) In any action brought under paragraph (5) or (6), subpenas for witnesses who are required to attend a United States district court may run into any other district.

(8)(A) Any party aggrieved by an order of the Commission dismissing a complaint filed by such party under paragraph (1), or by a failure of the Commission to act on such complaint during the 120-day period beginning on the date the complaint is filed, may file a petition with the United States District Court for the District of Columbia.

(B) Any petition under subparagraph (A) shall be filed, in the case of a dismissal of a complaint by the Commission, within 60 days after the date of the dismissal.

(C) In any proceeding under this paragraph the court may declare that the dismissal of the complaint or the failure to act is contrary to law, and may direct the Commission to conform with such declaration within 30 days, failing which the complainant may bring, in the name of such complaint, a civil action to remedy the violation involved in the original complaint.

(9) Any judgment of a district court under this subsection may be appealed to the court of appeals, and the judgment of the court of appeals affirming or setting aside, in whole or in part, any such order of the district court shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of Title 28.

(10) **Repealed. (98 Stat. 3357)**

(11) If the Commission determines after an investigation that any person has violated an order of the court entered in a proceeding brought under paragraph (6), it may petition the court for an order to hold such person in civil contempt, but if it believes the violation to be knowing and willful it may petition the court for an order to hold such person in criminal contempt.

(12)(A) Any notification or investigation made under this section shall not be made public by the Commission or by any person without the written consent of the person receiving such notification or the person with respect to whom such investigation is made.

(B) Any member or employee of the Commission, or any other person, who violates the provisions of subparagraph (A) shall be fined not more than $2,000. Any such member, employee, or other person who knowingly and willfully violates the provisions of subparagraph (A) shall be fined not more than $5,000.

(b) Notice to persons not filing required reports prior to institution of enforcement action; publication of identity of persons and unfiled reports.

Before taking any action under subsection (a) against any person who has failed to file a report required under section 434(a)(2)(A)(iii) of this title for the calendar quarter immediately preceding the election involved, or in accordance with section 434(a)(2)(A)(i) of this title, the Commission shall notify the person of such failure to file the required reports. If a satisfactory response is not received within 4 business days after the date of notification, the Commission shall, pursuant to section 438(a)(7) of this title, publish before the election the name of the person and the report or reports such person has failed to file.

(c) Reports by Attorney General of apparent violations.

Whenever the Commission refers an apparent violation to the Attorney General, the Attorney General shall report to the Commission any action taken by the Attorney General regarding the apparent violation. Each report shall be transmitted within 60 days after the date the Commission refers an apparent violation, and every 30 days thereafter until the final disposition of the apparent violation.

(d) Penalties; defenses; mitigation of offenses.

(1)(A) Any person who knowingly and willfully commits a violation of any provision of this Act which involves the making, receiving, or reporting of any contribution or expenditure aggregating $2,000 or more during a calendar year shall be fined, or imprisoned for not more than one year, or both. The amount of this fine shall not exceed the greater of $25,000 or 300 percent of any contribution or expenditure involved in such violation.

(B) In the case of a knowing and willful violation of section 316(b)(3), the penalties set forth in this subsection shall apply to a violation involving an amount aggregating $250 or more during a calendar year. Such violation of section 441b(b)(3) of this title may incorporate a violation of section 441c(b), 441f, or 441g of this title.

(C) In the case of a knowing and willful violation of section 441h of this title, the penalties set forth in this subsection shall apply without regard to whether the making, receiving, or reporting of a contribution or expenditure of $1,000 or more is involved.

(2) In any criminal action brought for a violation of any provision of this Act or of chapter 95 or of chapter 96 of Title 26, any defendant may evidence their lack of knowledge or intent to commit the alleged violation by introducing as evidence a conciliation agreement entered into between the defendant and the Commission under subsection (a)(4)(A) of this section which specifically deals with the act or failure to act constituting such violation and which is still in effect.

(3) In any criminal action brought for a violation of any provision of this Act or of chapter 95 or chapter 96 of Title 26, the court before which such action is brought shall take into account, in weighing the seriousness of the violation and in considering the appropriateness of the penalty to be imposed if the defendant is found guilty, whether—

(A) the specific act or failure to act which constitutes the violation for which the action was brought is the subject of a conciliation agreement entered into between the defendant and the Commission under subparagraph (a)(4)(A);

(B) the conciliation agreement is in effect; and

(C) the defendant is, with respect to the violation involved, in compliance with the conciliation agreement.

(Pub. L. 92-225, Title III, § 309, formerly § 314, as added Pub. L. 93-443, Title II, § 208(a), Oct. 15, 1974, 88 Stat. 1284, renumbered § 313 and amended Pub. L. 94-283, Title I, §§ 105, 109, May 11, 1976, 90 Stat. 481, 483, renumbered § 309 and amended Pub. L. 96-187, Title I, §§ 105(4), 108, Jan. 8, 1980, 93 Stat. 1354, 1358.)

§ 437h. Judicial review. 399.14-8

Actions, including declaratory judgments, for construction of constitutional questions; eligible plaintiffs; certification of such questions to courts of appeals sitting en banc.

The Commission, the national committee of any political party, or any individual eligible to vote in any election for the office of President may institute such actions in the appropriate district court of the United States, including actions for declaratory judgment, as may be appropriate to construe the constitutionality of any provision of this Act. The district court immediately shall certify all questions of constitutionality of this Act to the United States court of appeals for the circuit involved, which shall hear the matter sitting en banc.

(b) Repealed. (102 Stat. 663)

(c) Repealed. (98 Stat. 3357)

§ 438. Administrative provisions. 399.15

(a) Duties of Commission.

The Commission shall—

(1) prescribe forms necessary to implement this Act;

(2) prepare, publish, and furnish to all persons required to file reports and statements under this Act a manual recommending uniform methods of bookkeeping and reporting;

(3) develop a filing, coding, and cross-indexing system consistent with the purposes of this Act;

(4) with 48 hours after the time of the receipt by the Commission of reports and statements filed with it, make them available for public inspection, and copying, at the expense of the person requesting such copying except that any information copied from such reports or statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name, and address of any political committee to solicit contributions from such committee. A political committee may submit 10 pseudonyms on each report filed in order to protect against the illegal use of names and addresses of contributors, provided such committee attaches a list of such pseudonyms to the appropriate report. The Clerk, Secretary, or the Commission shall exclude these lists from the public record;

(5) keep such designations, reports, and statements for a period of 10 years from the date of receipt, except that designations, reports, and statements that relate solely to candidates for the House of Representatives shall be kept for 5 years from the date of their receipt;

(6)(A) compile and maintain a cumulative index of designations, reports, and statements filed under this Act, which index shall be published at regular intervals and made available for purchase directly or by mail;

(B) compile, maintain, and revise a separate cumulative index of reports and statements filed by multi-candidate committees, including in such index a list of multi-candidate committees; and

(C) compile and maintain a list of multi-candidate committees, which shall be revised and made available monthly;

(7) prepare and publish periodically lists of authorized committees which fail to file reports as required by this Act;

(8) prescribe rules, regulations, and forms to carry out the provisions of this Act, in accordance with the provisions of subsection (d);

(9) transmit to the President and to each House of the Congress no later than June 1 of each year, a report which states in detail the activities of the Commission in carrying out its duties under this Act, and any recommendations for any legislative or other action the Commission considers appropriate; and

(10) serve as a national clearinghouse for the compilation of information and review of procedures with respect to the administration of Federal elections. The Commission may enter into contracts for the purpose of conducting studies under this paragraph. Reports or studies made under this paragraph shall be available to the public upon the payment of the cost thereof, except that copies shall be made available without cost, upon request, to agencies and branches of the Federal Government.

(b) Audits and field investigations.

The Commission may conduct audits and field investigations of any political committee required to file a report under section 434 of this title. All audits and field investigations concerning the verification for, and receipt and use of, any payments received by a candidate or committee under chapter 95 or chapter 96 of Title 26 shall be given priority. Prior to conducting any audit under this subsection, the Commission shall perform an internal review of reports filed by selected committees to determine if the reports filed by a particular committee meet the threshold requirements for substantial compliance with the Act. Such thresholds for compliance shall be established by the Commission. The Commission may, upon an affirmative vote of 4 of its members, conduct an audit and field investigation of any committee which does meet the threshold requirements, established by the Commission. Such audit shall be commenced within 30 days of such vote, except that any audit of an authorized committee of a candidate, under the provisions of this subsection, shall be commenced within 6 months of the election for which such committee is authorized.

(c) Statutory provisions applicable to forms and information-gathering activities.

Any forms prescribed by the Commission under subsection (a)(1), and any information-gathering activities of the Commission under this Act, shall not be subject to the provisions of section 3512 of Title 44.

(d) Rules, regulations, or forms; issuance, procedures applicable, etc.

(1) Before prescribing any rule, regulation, or form under this section or any other provision of this Act, the Commission shall transmit a statement with respect to such rule, regulation, or form to the Senate and the House of Representatives, in accordance with this subsection. Such statement shall set forth the proposed rule, regulation, or form, and shall contain a detailed explanation and justification of it.

(2) If either House of the Congress does not disapprove by resolution any proposed rule or regulation submitted by the Commission under this section within 30 legislative days after the date of the receipt of such proposed rule or regulation or within 10 legislative days after the date of receipt of such proposed form, the Commission may prescribe such rule, regulation, or form.

(3) For purposes of this subsection, the term "legislative day" means, with respect to statements transmitted to the Senate, any calendar day on which the Senate is in session, and with respect to statements transmitted to the House of Representatives, any calendar day on which the House of Representatives is in session.

(4) For purposes of this subsection, the terms "rule" and "regulation" mean a provision or series of interrelated provisions stating a single, separable rule of law.

(5)(A) A motion to discharge a committee of the Senate from the consideration of a resolution relating to any such rule, regulation, or form or a motion to proceed to the consideration of such resolution, is highly privileged and shall be decided without debate.

(B) Whenever a committee of the House of Representatives reports any resolution relating to any such form, rule or regulation, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and is not in order to move to reconsider the vote by which the motion is agreed to or disagreed with.

(e) Scope of protection for good faith reliance upon rules or regulations.

Notwithstanding any other provision of law, any person who relies upon any rule or regulation prescribed by the Commission in accordance with the provisions of this section and who acts in good faith in accordance with such rule or regulation shall not, as a result of such act, be subject to any sanction provided by this Act or by chapter 95 or chapter of Title 26.

(f) Promulgation of rules, regulations, and forms by Commission and Internal Revenue Service; report to Congress on cooperative efforts.

In prescribing such rules, regulations, and forms under this section, the Commission and the Internal Revenue Service shall consult and work together to promulgate rules, regulations, and forms which are mutually consistent. The Commission shall report to the Congress annually on the steps it has taken to comply with this subsection. (Pub. L. 92-225, Title III, §311, formerly §308, Feb. 7, 1972, 86 Stat. 16, renumbered §316 and amended Pub. L. 93-443, Title II, §§208(a), (c) (8)-(10), 209(a)(1), (b), Oct. 15, 1974, 88 Stat. 1279, 1286, 1287, renumbered §315 and amended Pub. L. 94-283, Title I, §§105, 110, May 11, 1976, 90 Stat. 481, 486, renumbered §311 and amended Pub. L. 96-187, Title I, §§105(4), 109, Jan. 8, 1980, 93 Stat. 1354, 1362.)

399.16 **§439. Statements filed with State officers; "appropriate State" defined; duties of State officers.**

(a)(1) A copy of each report and statement required to be filed by any person under this Act shall be filed by such person with the Secretary of State (or equivalent State officer) of the appropriate State, or, if different, the officer of such State who is charged by State law with maintaining State election campaign reports. The chief executive officer of such State shall designate any such officer and notify the Commission of any such designation.

(2) For purposes of this subsection, the term "appropriate State" means—

(A) for statements and reports in connection with the campaign for nomination for election of a candidate to the office of President or Vice President, each State in which an expenditure is made on behalf of the candidate; and

(B) for statements and reports in connection with the campaign for nomination for election, or election, of a candidate to the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress, the State in which the candidate seeks election; except that political committees other than authorized committees are only required to file, and Secretaries of State required to keep, that portion of the report applicable to candidates seeking election in that State.

(b) The Secretary of State (or equivalent State officer), or the officer designated under subsection (a)(1) of this section, shall—

(1) receive and maintain in an orderly manner all reports and statements required by this Act to be filed therewith;

(2) keep such reports and statements (either in original filed form or in facsimile copy by microfilm or otherwise) for 2 years after their date of receipt;

(3) make each report and statement filed therewith available as soon as practicable (but within 48 hours of receipt) for public inspection and copying during regular business hours, and permit copying of any such report or statement by hand or by duplicating machine

at the request of any person, except that such copying shall be at the expense of the person making the request; and

(4) compile and maintain a current list of all reports and statements pertaining to each candidate.

(Pub. L. 92-225, Title III, § 314, formerly § 320, as added Pub. L. 93-renumbered § 317 and amended Pub. L. 93-443, Title II, § 208(a), (c) (11), Oct. 15, 1974, 88 Stat. 1279, 1287; renumbered § 316, Pub. L. 94-283, Title I, § 105, May 11, 1976, 90 Stat. 481, renumbered § 312 and amended Pub. L. 96-187, Title I, §§ 105(4), 110, Jan. 8, 1980, 93 Stat. 1354, 1365.)

§ 439a. Use of contributed amounts for certain purposes. 399.16-1

Amounts received by a candidate as contributions that are in excess of any amount necessary to defray his expenditures, and any other amounts contributed to an individual for the purpose of supporting his or her activities as a holder of Federal office, may be used by such candidate or individual, as the case may be, to defray any ordinary and necessary expenses incurred in connection with his or her duties as a holder of Federal office, may be contributed to any organization described in section 170(c) of Title 26, or may be used for any other lawful purpose, including transfers without limitation to any national, State, or local committee of any political party; except that, with respect to any individual who is not a Senator or Representative in, or Delegate or Resident Commissioner to, the Congress on January 8, 1980, no such amounts may be converted by any person to any personal use, other than to defray any ordinary and necessary expenses incurred in connection with his or her duties as a holder of Federal office. (Pub. L. 92-225, Title III, § 313, formerly § 318, as added Pub. L. 93-443, Title II, § 210, Oct. 15, 1974, 88 Stat. 1289, renumbered § 317, Pub. L. 94-283, Title I, § 105, May 11, 1976, 90 Stat. 481, renumbered § 313 and amended Pub. L. 96-187, Title I, §§ 105(4), 113, Jan. 8, 1980, 93 Stat. 1354, 1366.)

§ 439b. (Repealed.)

§ 439c. Authorization of appropriations. 399.16-3

There are authorized to be appropriated to the Commission for the purpose of carrying out its functions under this Act, and under chapters 95 and 96 of title 26, not to exceed $5,000,000 for the fiscal year ending June 30, 1975. There are authorized to be appropriated to the Commission $6,000,000 for the fiscal year ending June 30, 1976, $1,500,000 for the period beginning July 1, 1976, and ending September 30, 1976, $6,000,000 for the fiscal year ending September 30, 1977, and $7,811,500 for the fiscal year ending September 30, 1978, and $9,400,000 (of which not more than $400,000 is authorized to be appropriated for the national clearinghouse function described in section 311(a)(10) for the fiscal year ending September 30, 1981.

§ 440. (Repealed.)

§ 441. (Repealed.)

§ 441a. Limitations on contributions and expenditures. 399.17

(a) Dollar limits on contributions.

(1) No person shall make contributions—

(A) to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000;

(B) to the political committees established and maintained by a national political party, which are not the authorized political committees of any candidate, in any calendar year which, in the aggregate, exceed $20,000; or

(C) to any other political committee in any calendar year which, in the aggregate, exceed $5,000.

(2) No multicandidate political committee shall make contributions—

(A) to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $5,000;

(B) to the political committees established and maintained by a national political party, which are not the authorized political committees of any candidate, in any calendar year, which, in the aggregate, exceed $15,000; or

(C) to any other political committee in any calendar year which, in the aggregate, exceed $5,000.

(3) No individual shall make contributions aggregating more than $25,000 in any calendar year. For purposes of this paragraph, any contribution made to a candidate in a year other than the calendar year in which the election is held with respect to which such contribution is made, is considered to be made during the calendar year in which such election is held.

(4) The limitations on contributions contained in paragraphs (1) and (2) do not apply to transfers between and among political committees which are national, State, district, or local committees (including any subordinate committee thereof) of the same political party. For purposes of paragraph (2), the term "multicandidate political committee" means a political committee which has been registered under section 433 for a period of not less than 6 months, which has received contributions from more than 50 persons, and, except for any State political party organization, has made contributions to 5 or more candidates for Federal office.

(5) For purposes of the limitations provided by paragraph (1) and paragraph (2), all contributions made by political committees established or financed or maintained or controlled by any corporation, labor organization, or any other person, including any parent, subsidiary, branch, division, department, or local unit of such corporation, labor organization, or any other person, or by any group of such persons, shall be considered to have been made by a single political committee, except that (A) nothing in this sentence shall limit transfers between political committees of funds raised through joint fund raising efforts; (B) for purposes of the limitations provided by paragraph (1) and paragraph (2) all contributions made by a single political committee established or financed or maintained or controlled by a national committee of a political party and by a single political committee established or financed or maintained or controlled by the State committee of a political party shall not be considered to have been made by a single political committee; and (C) nothing in this section shall limit the transfer of funds between the principal campaign committee of a candidate seeking nomination or election to a Federal office and the principal campaign committee of that candidate for nomination or election to another Federal office if (i) such

transfer is not made when the candidate is actively seeking nomination or election to both such offices; (ii) the limitations contained in this Act on contributions by persons are not exceeded by such transfer; and (iii) the candidate has not elected to receive any funds under chapter 95 or chapter 96 of the Internal Revenue Code of 1954. In any case in which a corporation and any of its subsidiaries, branches, divisions, departments, or local units, or a labor organization and any of its subsidiaries, branches, divisions, departments, or local units establish or finance or maintain or control more than one separate segregated fund, all such separate segregated funds shall be treated as a single separate segregated fund for purposes of the limitations provided by paragraph (1) and paragraph (2).

(6) The limitations on contributions to a candidate imposed by paragraphs (1) and (2) of this subsection shall apply separately with respect to each election, except that all elections held in any calendar year for the office of President of the United States (except a general election for such office) shall be considered to be one election.

(7) For purposes of this subsection—

(A) contributions to a named candidate made to any political committee authorized by such candidate to accept contributions on his behalf shall be considered to be contributions made to such candidate;

(B)(i) expenditures made by any person in cooperation, consultation, or concert, with, or at the request or suggestion of, a candidate, his authorized political committees, or their agents, shall be considered to be a contribution to such candidate;

(ii) the financing by any person of the dissemination, distribution, of republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign materials prepared by the candidate, his campaign committees, or their authorized agents shall be considered to be an expenditure for purposes of this paragraph; and

(C) contributions made to or for the benefit of any candidate nominated by a political party for election to the office of Vice President of the United States shall be considered to be contributions made to or for the benefit of the candidate of such party for election to the office of President of the United States.

(8) For purposes of the limitations imposed by this section, all contributions made by a person, either directly or indirectly, on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate. The intermediary or conduit shall report the original source and the intended recipient of such contribution to the Commission and to the intended recipient.

(b) Dollar limits on expenditures by candidates for office of President of the United States.

(1) No candidate for the office of President of the United States who is eligible under section 9003 of the Internal Revenue Code of 1954 (relating to condition for eligibility for payments) or under section 9033 of the Internal Revenue Code of 1954 (relating to eligibility for payments) to

receive payments from the Secretary of the Treasury may make expenditures in excess of—

(A) $10,000,000 in the case of a campaign for nomination for election to such office, except the aggregate of expenditures under this subparagraph in any one State shall not exceed the greater of 16 cents multiplied by the voting age population of the State (as certified under subsection (e)), or $200,000; or

(B) $20,000,000 in the case of a campaign for election to such office.

(2) For purposes of this subsection—

(A) expenditures made by or on behalf of any candidate nominated by a political party for election to the office of Vice President of the United States shall be considered to be expenditures made by or on behalf of the candidate of such party for election to the office of President of the United States; and

(B) an expenditure is made on behalf of a candidate, including a vice presidential candidate, if it is made by—

(i) an authorized committee or any other agent of the candidate for purposes of making any expenditure; or

(ii) any person authorized or requested by the candidate, an authorized committee of the candidate, or any agent of the candidate, to make the expenditure.

(c) Increases on limits based on increases in price index.

(c)(1) At the beginning of each calendar year (commencing in 1976), as there become available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall certify to the Commission and publish in the Federal Register the percent difference between the price index for the 12 months preceding the beginning of such calendar year and the price index for the base period. Each limitation established by subsection (b) and subsection (d) shall be increased by such percent difference. Each amount so increased shall be the amount in effect for such calendar year.

(2) For purposes of paragraph (1)—

(A) the term "price index" means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics; and

(B) the term "base period" means the calendar year 1974.

(d) Expenditures by national committee, State committee, or subordinate committee of State committee in connection with general election campaign of candidates for Federal office.

(1) Notwithstanding any other provision of law with respect to the limitations on expenditures or limitations on contributions, the national committee of a political party and a State committee of a political party, including any subordinate committee of a State committee, may make expenditures in connection with the general election campaign of candidates for Federal office, subject to the limitations contained in paragraphs (2) and (3) of this subsection.

(2) The national committee of a political party may not make any expenditure in connection with the general election campaign of any candidate for President of the United States who is affiliated with such party which exceeds an amount equal to 2 cents multiplied by the voting

age population of the United States (as certified under subsection (e)). Any expenditure under this paragraph shall be in addition to any expenditure by a national committee of a political party serving as the principal campaign committee of a candidate for the office of President of the United States.

(3) The national committee of a political party, or a State committee of a political party, including any subordinate committee of a State committee, may not make any expenditure in connection with the general election campaign of a candidate for Federal office in a State who is affiliated with such party which exceeds—

(A) in the case of a candidate for election to the office of Senator, or of Representative from a State which is entitled to only one Representative, the greater of—

(i) 2 cents multiplied by the voting age population of the State (as certified under subsection (e)); or

(ii) $20,000; and

(B) in the case of a candidate for election to the office of Representative, Delegate, or Resident Commissioner in any other State, $10,000.

(e) Certification and publication of estimated voting age population.

During the first week of January 1975, and every subsequent year, the Secretary of Commerce shall certify to the Commission and publish in the Federal Register an estimate of the voting age population of the United States, of each State, and of each congressional district as of the first day of July next preceding the date of certification. The term "voting age population" means resident population, 18 years of age or older.

(f) Prohibited contributions and expenditures.

No candidate or political committee shall knowingly accept any contribution or make any expenditure in violation of the provisions of this section. No officer or employee of a political committee shall knowingly accept a contribution made for the benefit or use of a candidate, or knowingly make any expenditure on behalf of a candidate, in violation of any limitation imposed on contributions and expenditures under this section.

(g) Attribution of multi-State expenditures to candidate's expenditure limitation in each State.

The Commission shall prescribe rules under which any expenditure by a candidate for presidential nominations for use in 2 or more States shall be attributed to such candidate's expenditure limitation in each such State, based on the voting age population in such State which can reasonably be expected to be influenced by such expenditure.

(h) Senatorial candidates.

Notwithstanding any other provision of this Act, amounts totaling not more than $17,500 may be contributed to a candidate for nomination for election, or for election, to the United States Senate during the year in which an election is held in which he is such a candidate, by the Republican or Democratic Senatorial Campaign Committee, or the national committee of a political party, or any combination of such committees. (May 11, 1976, Pub. L. 94-283, § 112(2), 90 Stat. 487; Jan. 8, 1980, Pub. L. 96-187, Title I, § 105(5), 93 Stat. 1354.)

399.17-1 § 441b. Contributions or expenditures by national banks, corporations, or labor organizations.

(a) It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution or expenditure in connection with any election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, or for any corporation whatever, or any labor organization, to make a contribution or expenditure in connection with any election at which presidential and vice presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to, Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select candidates for any of the foregoing offices, or for any candidate, political committee, or other person knowingly to accept or receive any contribution prohibited by this section, or any officer or any director of any corporation or any national bank or any officer of any labor organization to consent to any contribution or expenditure by the corporation, national bank, or labor organization, as the case may be, prohibited by this section.

(b)(1) For the purposes of this section the term "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(2) For purposes of this section and section 12(h) of the Public Utility Holding Company Act (15 U.S.C. 791(h)), the term "contribution or expenditure" shall include any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business) to any candidate, campaign committee, or political party or organization, in connection with any election to any of the offices referred to in this section, but shall not include (A) communications by a corporation to its stockholders and executive or administrative personnel and their families or by a labor organization to its members and their families on any subject; (B) nonpartisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and executive or administrative personnel and their families, or by a labor organization aimed at its members and their families; and (C) the establishment, administration, and solicitation of contributions to a separate segregated fund to be utilized for political purposes by a corporation, labor organization, membership organization, cooperative, or corporation without capital stock.

(3) It shall be unlawful—

(A) for such a fund to make a contribution or expenditure by utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of force, job discrimination, or financial reprisal; or by dues, fees, or other moneys required as a condition of membership in a labor organization or as a condition of employment, or by moneys obtained in any commercial transaction;

(B) for any person soliciting an employee for a contribution to such a fund to fail to inform such employee of the political purposes of such fund at the time of such solicitation; and

(C) for any person soliciting an employee for a contribution to such a fund to fail to inform such employee, at the time of such solicitation, of his right to refuse to so contribute without any reprisal.

(4)(A) Except as provided in subparagraphs (B), (C), and (D), it shall be unlawful—

(i) for a corporation, or a separate segregated fund established by a corporation, to solicit contributions to such a fund from any person other than its stockholders and their families and its executive or administrative personnel and their families, and

(ii) for a labor organization, or a separate segregated fund established by a labor organization, to solicit contributions to such a fund from any person other than its members and their families.

(B) It shall not be unlawful under this section for a corporation, a labor organization, or a separate segregated fund established by such corporation or such labor organization, to make 2 written solicitations for contributions during the calendar year from any stockholder, executive or administrative personnel, or employee of a corporation or the families of such persons. A solicitation under this subparagraph may be made only by mail addressed to stockholders, executive or administrative personnel, or employees at their residence and shall be so designed that the corporation, labor organization, or separate segregated fund conducting such solicitation cannot determine who makes a contribution of $50 or less as a result of such solicitation who does not make such a contribution.

(C) This paragraph shall not prevent a membership organization, cooperative, or corporation without capital stock, or a separate segregated fund established by a membership organization, cooperative, or corporation without capital stock, from soliciting contributions to such a fund from members of such organization, cooperative, or corporation without capital stock.

(D) This paragraph shall not prevent a trade association or a separate segregated fund established by a trade association from soliciting contributions from the stockholders and executive or administrative personnel of the member corporations of such trade association and the families of such stockholders or personnel to the extent that such solicitation of such stockholders and personnel, and their families, has been separately and specifically approved by the member corporation involved, and such member corporation does not approve any such solicitation by more than one such trade association in any calendar year.

(5) Notwithstanding any other law, any method of soliciting voluntary contributions or of facilitating the making of voluntary contributions to a separate segregated fund established by a corporation, permitted by law to corporations with regard to stockholders and executive or administrative personnel, shall also be permitted to labor organizations with regard to their members.

(6) Any corporation, including its subsidiaries, branches, divisions, and affiliates, that utilizes a method of soliciting voluntary contributions or

facilitating the making of voluntary contributions, shall make available such method, on written request and at a cost sufficient only to reimburse the corporation for the expenses incurred thereby, to a labor organization representing any members working for such corporation, its subsidiaries, branches, divisions, and affiliates.

(7) For purposes of this section, the term "executive or administrative personnel" means individuals employed by a corporation who are paid on a salary, rather than hourly, basis and who have policymaking, managerial, professional, or supervisory responsibilities. (May 11, 1976, Pub. L. 94-283, § 112(2), 90 Stat. 490; renumbered and amended Pub. L. 96-187, Title I, §§ 105(5), 112(d), Jan. 8, 1980, 93 Stat. 1354, 1366.)

399.17-2 § 441c. Contributions by government contractors.

(a) Prohibition.

It shall be unlawful for any person—

(1) who enters into any contract with the United States or any department or agency thereof either for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof or for selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, at any time between the commencement of negotiations for and the later of (A) the completion of performance under; or (B) the termination of negotiations for, such contract or furnishing of material, supplies, equipment, land, or buildings, directly or indirectly to make any contribution of money or other things of value, or to promise expressly or impliedly to make any such contribution to any political party, committee, or candidate for public office or to any person for any political purpose or use; or

(2) knowingly to solicit any such contribution from any such person for any such purpose during any such period.

(b) Separate segregated funds.

This section does not prohibit or make unlawful the establishment or administration of, or the solicitation of contributions to, any separate segregated fund by any corporation, labor organization, membership organization, cooperative, or corporation without capital stock for the purpose of influencing the nomination for election, or election, of any person to Federal office, unless the provisions of section 441b prohibit or make unlawful the establishment or administration of, or the solicitation of contributions to, such fund. Each specific prohibition, allowance, and duty applicable to a corporation, labor organization, or separate segregated fund under section 441b applies to a corporation, labor organization, or separate segregated fund to which this subsection applies.

(c) "Labor organization" defined.

For purposes of this section, the term "labor organization" has the meaning given it by section 441b(b)(1). (May 11, 1976, Pub. L. 94-283, § 112(2), 90 Stat. 492; Jan. 8, 1980, Pub. L. 96-187, Title I, § 105(5), 93 Stat. 1354.)

§ 441d. Publication and distribution of statements and solicitations; charge for newspaper or magazine space. 399.17-3

(a) Whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate, or solicits any contribution through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, such communication—

(1) if paid for and authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state that the communication has been paid for by such authorized political committee, or

(2) if paid for by other persons but authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state that the communication is paid for by such other persons and authorized by such authorized political committee;

(3) if not authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state the name of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate's committee.

(b) No person who sells space in a newspaper or magazine to a candidate or to the agent of a candidate, for use in connection with such candidate's campaign, may charge any amount for such space which exceeds the amount charged for comparable use of such space for other purposes. (Pub. L. 92-225, Title III, § 318, formerly § 323, as added Pub. L. 94-283, Title I, § 112(2), May 11, 1976, 90 Stat. 493, renumbered and amended Pub. L. 96-187, Title I, §§ 105(5), 111, Jan. 8, 1980, 93 Stat. 1354, 1365.)

§ 441e. Contributions by foreign nationals. 399.17-4

(a) It shall be unlawful for a foreign national directly or through any other person to make any contribution of money or other thing of value, or to promise expressly or impliedly to make any such contribution, in connection with an election to any political office or in connection with any primary election, convention, or caucus held to select candidates for any political office; or for any person to solicit, accept, or receive any such contribution from a foreign national.

(b) As used in this section, the term "foreign national" means—

(1) a foreign principal, as such term is defined by section 1(b) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(b)), except that the term "foreign national" shall not include any individual who is a citizen of the United States; or

(2) an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)).

(May 11, 1976, Pub. L. 94-283, § 112(2), 90 Stat. 493; Jan. 8, 1980, Pub. L. 96-187, Title I, § 105(5), 93 Stat. 1354.)

§ 441f. Contributions in name of another prohibited. 399.17-5

No person shall make a contribution in the name of another person or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person. (May 11, 1976, Pub. L. 94-283, § 112(2), 90 Stat. 494; Jan. 8, 1980, Pub. L. 96-187, Title I, § 105(5), 93 Stat. 1354.)

399.17-6 § 441g. Limitation on contribution of currency.

No person shall make contributions of currency of the United States or currency of any foreign country to or for the benefit of any candidate which, in the aggregate, exceed $100, with respect to any campaign of such candidate for nomination for election, or for election, to Federal office. (May 11, 1976, Pub. L. 94-283, § 112(2), 90 Stat. 494; Jan. 8, 1980, Pub. L. 96-187, Title I, § 105(5), 93 Stat. 1354.)

399.17-7 § 441h. Fraudulent misrepresentation of campaign authority.

No person who is a candidate for Federal office or any employee or agent of such a candidate shall—

(1) fraudulently misrepresent himself or any committee or organization under his control as speaking or writing or otherwise acting for or on behalf of any other candidate or political party or employee or agent thereof on a matter which is damaging to such other candidate or political party or employee or agent thereof; or

(2) willfully and knowingly participate in or conspire to participate in any plan, scheme, or design to violate paragraph (1).

(May 11, 1976, Pub. L. 94-283, § 112(2), 90 Stat. 494; Jan. 8, 1980, Pub. L. 96-187, Title I, § 105(5), 93 Stat. 1354.)

399.17-8 § 441i. Acceptance of excessive honorariums.

(a) No person while an elected or appointed officer or employee of any branch of the Federal Government shall accept any honorarium of more than $2,000 (excluding amounts accepted for actual travel and subsistence expenses for such person and his spouse or an aide to such person, and excluding amounts paid or incurred for any agents' fees or commissions) for any appearance, speech, or article.

(b) Any honorarium, or any part thereof, paid by or on behalf of an elected or appointed officer or employee of any branch of the Federal Government to a charitable organization shall be deemed not to be accepted for the purposes of this section.

(c) For purposes of determining the aggregate amount of honorariums received by a person during any calendar year, amounts returned to the person paying an honorarium before the close of the calendar year in which it was received shall be disregarded.

(d) For purposes of paragraph (2) of subsection (a) of this section, an honorarium shall be as accepted only in the year in which that honorarium is received. (May 11, 1976, Pub. L. 94-283, § 112(2), 90 Stat. 494; Dec. 20, 1977, Pub. L. 95-216, § 502(a), 91 Stat. 1565; Jan. 8, 1980, Pub. L. 96-187, Title I, § 105(5), 93 Stat. 1365; Oct. 1, 1981, Pub. L. 97-51, § 130(a), 95 Stat. 966; July 30, 1983, Pub. L. 98-63, § 908(g), 97 Stat. 338.)

NOTE

2 U.S.C. § 31-1 also contains restrictions on the acceptance of honorariums. See Senate Manual section **220.1**.

§ 441j. (Repealed.)

§ 442. Authority to procure technical support and other services and incur travel expenses; payment of such expenses. 399.19

For the purpose of carrying out his duties under the Federal Election Campaign Act of 1971, the Secretary of the Senate is authorized, from and after July 1, 1972, (1) to procure technical support services, (2) to procure the temporary or intermittent services of individual technicians, experts, or consultants, or organizations thereof, in the same manner and under the same conditions, to the extent applicable, as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946, (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency, and (4) to incur official travel expenses. Payments to carry out the provisions of this paragraph shall be made from funds included in the appropriation "Miscellaneous Items" under the heading "Contingent Expenses of the Senate" upon vouchers approved by the Secretary of the Senate. All sums received by the Secretary under authority of the Federal Election Campaign Act of 1971 shall be covered into the Treasury as miscellaneous receipts. (July 10, 1972, Pub. L. 92-342, § 101, 86 Stat. 435.)

Subchapter II.—General Provisions

§ 451. Extension of credit by regulated industries; regulations. 399.20

The Civil Aeronautics Board, the Federal Communications Commission, and the Interstate Commerce Commission shall each promulgate, within ninety days after February 7, 1972, its own regulations with respect to the extension of credit, without security, by any person regulated by such Board or Commission to any candidate for Federal office, or to any person on behalf of such a candidate, for goods furnished or services rendered in connection with the campaign of such candidate for nomination for election, or election, to such office. (Feb. 7, 1972, Pub. L. 92-225, § 401, 86 Stat. 19; Oct. 15, 1974, Pub. L. 93-443, § 201(b)(1), 88 Stat. 1275.)

§ 452. Prohibition against use of certain Federal funds for election activities; definitions. 399.21

No part of any funds appropriated to carry out the Economic Opportunity Act of 1964 shall be used to finance, directly or indirectly, any activity designed to influence the outcome of any election to Federal office, or any voter registration activity, or to pay the salary of any officer or employee of the Office of Economic Opportunity who, in his official capacity as such an officer or employee, engages in any such activity. (Feb. 7, 1972, Pub. L. 92-225, § 402, 86 Stat. 19; Oct. 15, 1974, Pub. L. 93-443, § 201(b)(2), 88 Stat. 1275.)

§ 453. State laws affected. 399.22

The provisions of this Act, and of rules prescribed under this Act, supersede and preempt any provision of State law with respect to election to Federal Office. (Feb. 7, 1972, Pub. L. 92-225, § 403, 86 Stat. 20; Oct. 15, 1974, Pub. L. 93-443, § 301, 88 Stat. 1289.)

399.23 **§ 454. Partial invalidity.**

If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby. (Feb. 7, 1972, Pub. L. 92-225, § 404, 86 Stat. 20.)

399.23-1 **§ 455. Period of limitations.**

(a) Three year period.

No person shall be prosecuted, tried, or punished for any violation of subchapter I of this chapter unless the indictment is found or the information is instituted within 3 years after the date of the violation.

(b) Effective date; acts or omissions, legality; pending proceedings.

Notwithstanding any other provision of law—

(1) the period of limitations referred to in subsection (a) of this section shall apply with respect to violations referred to in such subsection committed before, on, or after the effective date of this section; and

(2) no criminal proceeding shall be instituted against any person for any act or omission which was a violation of any provision of subchapter I of this chapter, as in effect on December 31, 1974, if such act or omission does not constitute a violation of any such provision, as amended by the Federal Election Campaign Act Amendments of 1974.

Nothing in this subsection shall affect any proceeding pending in any court of the United States on the effective date of this section. (Feb. 7, 1972, Pub. L. 92-225, § 406, as added, Oct. 15, 1974, Pub. L. 93-443, § 302, 88 Stat. 1289; May 11, 1976, Pub. L. 94-283, § 115(f), 90 Stat. 496.)

§ 456. (Repealed.)

Chapter 15.—OFFICE OF TECHNOLOGY ASSESSMENT

399.24 **§ 471. Congressional findings and declaration of purpose.**

The Congress hereby finds and declares that:

(a) As technology continues to change and expand rapidly, its applications are—

(1) large and growing in scale; and

(2) increasingly extensive, pervasive, and critical in their impact, beneficial and adverse, on the natural and social environment.

(b) Therefore, it is essential that, to the fullest extent possible, the consequences of technological applications be anticipated, understood, and considered in determination of public policy on existing and emerging national problems.

(c) The Congress further finds that:

(1) the Federal agencies presently responsible directly to the Congress are not designed to provide the legislative branch with adequate and timely information, independently developed, relating to the potential impact of technological applications, and

(2) the present mechanisms of the Congress do not and are not designed to provide the legislative branch with such information.

(d) Accordingly, it is necessary for the Congress to—

(1) equip itself with new and effective means for securing competent, unbiased information concerning the physical, biological, economic, social, and political effects of such applications; and

(2) utilize this information, whenever appropriate, as one factor in the legislative assessement of matters pending before the Congress, particularly in those instances where the Federal Government may be called upon to consider support for, or management or regulation of, technological applications.

(Oct. 13, 1972, Pub. L. 92-484, § 2, 86 Stat. 797.)

§ 472. Office of Technology Assessment. 399.25

(a) In accordance with the findings and declaration of purpose in section 471, there is hereby created the Office of Technology Assessment (hereinafter referred to as the "Office") which shall be within and responsible to the legislative branch of the Government.

(b) The Office shall consist of a Technology Assessment Board (hereinafter referred to as the "Board") which shall formulate and promulgate the policies of the Office, and a Director who shall carry out such policies and administer the operations of the Office.

(c) The basic function of the Office shall be to provide early indications of the probable beneficial and adverse impacts of the applications of technology and to develop other coordinate information which may assist the Congress. In carrying out such function, the Office shall:

(1) identify existing or probable impacts of technology or technological programs;

(2) where possible, ascertain cause-and-effect relationships;

(3) identify alternative techological methods of implementing specific programs;

(4) identify alternative programs for achieving requisite goals;

(5) make estimates and comparisons of the impacts of alternative methods and programs;

(6) present findings of completed analyses to the appropriate legislative authorities;

(7) identify areas where additional research or data collection is required to provide adequate support for the assessments and estimates described in paragraphs (1) through (5) of this subsection; and

(8) undertake such additional associated activities as the appropriate authorities specified under subsection (d) may direct.

(d) Assessment activities undertaken by the Office may be initiated upon the request of:

(1) the chairman of any standing, special, or select committee of either House of the Congress, or of any joint committee of the Congress, acting for himself or at the request of the ranking minority member or a majority of the committee members;

(2) the Board; or

(3) the Director, in consultation with the Board.

(e) Assessments made by the Office, including information, surveys, studies, reports, and findings related thereto, shall be made available to the initiating committee or other appropriate committees of the Congress. In addition, any such information, surveys, studies, reports, and findings produced by the Office may be made available to the public except where—

(1) to do so would violate security statutes; or

(2) the Board considers it necessary or advisable to withhold such information in accordance with one or more of the numbered paragraphs in section 552(b) of title 5, United States Code.

(Oct. 13, 1972, Pub. L. 92-484, § 3, 86 Stat. 797.)

399.26 § 473. Technology Assessment Board.

(a) The Board shall consist of thirteen members as follows:

(1) six Members of the Senate, appointed by the President pro tempore of the Senate, three from the majority party and three from the minority party;

(2) six Members of the House of Representatives appointed by the Speaker of the House of Representatives, three from the majority party and three from the minority party; and

(3) the Director, who shall not be a voting member.

(b) Vacancies in the membership of the Board shall not affect the power of the remaining members to execute the functions of the Board and shall be filled in the same manner as in the case of the original appointment.

(c) The Board shall select a chairman and a vice chairman from among its members at the beginning of each Congress. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. The chairmanship and the vice chairmanship shall alternate between the Senate and the House of Representatives with each Congress. The chairman during each even-numbered Congress shall be selected by the Members of the House of Representatives on the Board from among their number. The vice chairman during each Congress shall be chosen in the same manner from that House of Congress other than the House of Congress of which the chairman is a Member.

(d) The Board is authorized to sit and act at such places and times during the sessions, recesses, and adjourned periods of Congress, and upon a vote of a majority of its members, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths and affirmations, to take such testimony, to procure such printing and binding, and to make such expenditures, as it deems advisable. The Board may make such rules respecting its organization and procedures as it deems necessary, except that no recommendation shall be reported from the Board unless a majority of the Board assent. Subpenas may be issued over the signature of the chairman of the Board or of any voting member designated by him or by the Board, and may be served by such person or persons as may be designated by such chairman or member. The chairman of the Board or any voting member thereof may adminster oaths or affirmations to witnesses. (Oct. 13, 1972, Pub. L. 92-484, § 4, 86 Stat. 798.)

399.27 § 474. Director of Office of Technology Assessment.

(a) The Director of the Office of Technology Assessment shall be appointed by the Board and shall serve for a term of six years unless sooner removed by the Board. He shall receive basic pay at the rate provided for level III of the Executive Schedule under section 5314 of title 5.

(b) In addition to the powers and duties vested in him by this Act, the Director shall exercise such powers and duties as may be delegated to him by the Board.

(c) The Director may appoint with the approval of the Board, a Deputy Director who shall perform such functions as the Director may prescribe and who shall be Acting Director during the absence or incapacity of the Director or in the event of a vacancy in the office of Director. The Deputy Director shall receive basic pay at the rate provided for level IV of the Executive Schedule under section 5315 of title 5.

(d) Neither the Director nor the Deputy Director shall engage in any other business, vocation, or employment than that of serving as such Director or Deputy Director, as the case may be; nor shall the Director or Deputy Director, except with the approval of the Board, hold any office in, or act in any capacity or, any organization, agency, or institution with which the Office makes any contract or other arrangement under this chapter. (Oct. 13, 1972, Pub. L. 92-484, § 5, 86 Stat. 799.)

§ 475. Powers of Office of Technology Assessment. 399.28

(a) The Office shall have the authority, within the limits of available appropriations, to do all things necessary to carry out the provisions of this chapter, including, but without being limited to, the authority to—

(1) make full use of competent personnel and organizations outside the Office, public or private, and form special ad hoc task forces or make other arrangements when appropriate;

(2) enter into contracts or other arrangements as may be necessary for the conduct of the work of the Office with any agency or instrumentality of the United States, with any State, territory, or possession or any political subdivision thereof, or with any person, firm, association, corporation, or educational institution, with or without reimbursement, without performance or other bonds, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5);

(3) make advance, progress, and other payments which relate to technology assessment without regard to the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529);

(4) accept and utilize the services of voluntary and uncompensated personnel necessary for the conduct of the work of the Office and provide transportation and subsistence as authorized by section 5703 of title 5 for persons serving without compensation;

(5) acquire by purchase, lease, loan, or gift, and hold and dispose of by sale, lease, or loan, real and personal property of all kinds necessary for or resulting from the exercise of authority granted by this chapter; and

(6) prescribe such rules and regulations as it deems necessary governing the operation and organization of the Office.

(b) Contractors and other parties entering into contracts and other arrangements under this section which involve costs to the Government shall maintain such books and related records as will facilitate an effective audit in such detail and in such manner as shall be prescribed by the Office, and such books and records (and related documents and papers) shall be available to the Office and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination.

(c) The Office, in carrying out the provisions of this chapter, shall not, itself, operate any laboratories, pilot plants, or test facilities.

(d) The Office is authorized to secure directly from any executive department or agency information, suggestions, estimates, statistics, and technical assistance for the purpose of carrying out its functions under this chapter. Each such executive department or agency shall furnish the information, suggestions, estimates, statistics, and technical assistance directly to the Office upon its request.

(e) On request of the Office, the head of any executive department or agency may detail, with or without reimbursement, any of its personnel to assist the Office in carrying out its functions under this chapter.

(f) The Director shall, in accordance with such policies as the Board shall prescribe, appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this chapter. (Oct. 13, 1972, Pub. L. 92-484, § 6, 86 Stat. 799.)

399.29 **§ 476. Technology Assessment Advisory Council.**

(a) The Office shall establish a Technology Assessment Advisory Council (hereinafter referred to as the "Council"). The Council shall be composed of the following twelve members:

(1) ten members from the public, to be appointed by the Board, who shall be persons eminent in one or more fields of the physical, biological, or social sciences or engineering or experienced in the administration of technological activities, or who may be judged qualified on the basis of contributions made to educational or public activities;

(2) the Comptroller General; and

(3) the Director of the Congressional Research Service of the Library of Congress.

(b) The Council, upon request by the Board, shall—

(1) review and make recommendations to the Board on activities undertaken by the Office or on the initiation thereof in accordance with section 472(d);

(2) review and make recommendations to the Board on the findings of any assessment made by or for the Office; and

(3) undertake such additional related tasks as the Board may direct.

(c) The Council, by majority vote, shall elect from its members appointed under subsection (a)(1) of this section a Chairman and a Vice Chairman, who shall serve for such time and under such conditions as the Council may prescribe. In the absence of the Chairman, or in the event of his incapacity, the Vice Chairman shall act as Chairman.

(d) The term of office of each member of the Council appointed under subsection (a)(1) shall be four years except that any such member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. No person shall be appointed a member of the Council under subsection (a)(1) more than twice. Terms of the members appointed under subsection (a)(1) shall be staggered so as to establish a rotating membership according to such method as the Board may devise.

(e)(1) The members of the Council other than those appointed under subsection (a)(1) shall receive no pay for their services as members of the Council, but shall be allowed necessary travel expenses (or, in the alternative, mileage for use of privately owned vehicles and a per diem in lieu of subsistence at not to exceed the rate prescribed in sections 5702 and 5704 of title 5), and other necessary expenses incurred by them in the performance of duties vested in the Council, without regard to the provisions of subchapter 1 of chapter 57 and section 5731 of title 5, and regulations promulgated thereunder.

(2) The members of the Council appointed under subsection (a)(1) shall receive compensation for each day engaged in the actual performance of duties vested in the Council at rates of pay not in excess of the daily equivalent of the highest rate of basic pay set forth in the General Schedule of section 5332(a) of title 5, and in addition shall be reimbursed for travel, subsistence, and other necessary expenses in the manner provided for other members of the Council under paragraph (1) of this subsection. (Oct. 13, 1972, Pub. L. 92-484, § 7, 86 Stat. 800.)

§ 477. Utilization of services of Library of Congress. 399.30

(a) To carry out the objectives of this Act, the Librarian of Congress is authorized to make available to the Office such services and assistance of the Congressional Research Service as may be appropriate and feasible.

(b) Such services and assistance made available to the Office shall include, but not be limited to, all of the services and assistance which the Congressional Research Service is otherwise authorized to provide to the Congress.

(c) Nothing in this section shall alter or modify any services or responsibilities, other than those performed for the Office, which the Congressional Research Service under law performs for or on behalf of the Congress. The Librarian is, however, authorized to establish within the Congressional Research Service such additional divisions, groups, or other organizational entities as may be necessary to carry out the purpose of this Act.

(d) Services and assistance made available to the Office by the Congressional Research Service in accordance with this section may be provided with or without reimbursement from funds of the Office, as agreed upon by the Board and the Librarian of Congress. (Oct. 13, 1972, Pub. L. 92-484, § 8, 86 Stat. 801.)

§ 478. Utilization of services of General Accounting Office. 399.31

(a) Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) and such other services as may be appropriate shall be provided the Office by the General Accounting Office.

(b) Such services and assistance to the Office shall include, but not be limited to, all of the services and assistance which the General Accounting Office is otherwise authorized to provide to the Congress.

(c) Nothing in this section shall alter or modify any services or responsibilities, other than those performed for the Office, which the General Accounting Office under law performs for or on behalf of the Congress.

(d) Services and assistance made available to the Office by the General Accounting Office in accordance with this section may be provided with or without reimbursement from funds of the Office, as agreed upon by the Board and the Comptroller General. (Oct. 13, 1972, Pub. L. 92-484, § 9, 86 Stat. 802.)

399.32 § 479. Coordination of activities with National Science Foundation.

The Office shall maintain a continuing liaison with the National Science Foundation with respect to—

(1) grants and contracts formulated or activated by the Foundation which are for purposes of technology assessment; and

(2) the promotion of coordination in areas of technology assessment, and the avoidance of unnecessary duplication or overlapping of research activities in the development of technology assessment techniques and programs.

(Oct. 13, 1972, Pub. L. 92-484, § 10(a), 86 Stat. 802.)

399.33 § 480. Annual report to Congress.

The Office shall submit to the Congress an annual report which shall include, but not be limited to, an evaluation of technology assessment techniques and identification, insofar as may be feasible, of technological areas and programs requiring future analysis. Such report shall be submitted not later than March 15 of each year. (Oct. 13, 1972, Pub. L. 92-484, § 11, 86 Stat. 802.)

399.34 § 481. Authorization of appropriations; availability of appropriations.

(a) To enable the Office to carry out its powers and duties, there is hereby authorized to be appropriated to the Office, out of any money in the Treasury not otherwise appropriated, not to exceed $5,000,000 in the aggregate for the two fiscal years ending June 30, 1973, and June 30, 1974, and thereafter such sums as may be necessary.

(b) Appropriations made pursuant to the authority provided in subsection (a) shall remain available for obligation, for expenditure, or for obligation and expenditure for such period or periods as may be specified in the chapter making such appropriations. (Oct. 13, 1972, Pub. L. 92-484, § 12, 86 Stat. 803.)

Chapter 16.—CONGRESSIONAL STANDARDS AND CONDUCT

399.35 § 502. Select Committee on Standards and Conduct of the Senate.[1]

(a) Advisory opinions or consultations respecting franked mail for persons entitled to franking privilege; franking privilege regulations.

The Select Committee on Standards and Conduct of the Senate shall provide guidance, assistance, advice and counsel, through advisory opinions or consultations, in connection with the mailing or contemplated mailing of franked mail under section 3210, 3211, 3212, 3213(2), 3218, or 3219, and in connection with the operation of section 3215, of title 39 upon the request of any Member of the Senate or Member-elect, surviving spouse of any of the foregoing, or other Senate official, entitled to send mail as franked mail under any of those sections. The select committee shall prescribe regulations governing the proper use of the franking privilege under those sections by such persons.

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[1] Name changed to Select Committee on Ethics by section 102 of S. Res. 4, 95th Congress, agreed to February 4 (legislative day, February 1), 1977. Senate Manual section 79.

(b) Complaint of franked mail violations; investigation; notice and hearing; decision of select committee; enforcement.

Any complaint filed by any person with the select committee that a violation of any section of title 39 referred to in subsection (a) of this section is about to occur or has occurred within the immediately preceding period of one year, by any person referred to in such subsection (a), shall contain pertinent factual material and shall conform to regulations prescribed by the select committee. The select committee, if it determines there is reasonable justification for the complaint, shall conduct an investigation of the matter, including an investigaton of reports and statements filed by the complainant with respect to the matter which is the subject of the complaint. The committee shall afford to the person who is the subject of the complaint due notice and, if it determines that there is substantial reason to believe that such violation has occurred or is about to occur, opportunity for all parties to participate in a hearing before the select committee. The select committee shall issue a written decision on each complaint under this subsection not later than thirty days after such a complaint has been filed or, if a hearing is held, not later than thirty days after the conclusion of such hearing. Such decision shall be based on written findings of fact in the case by the select committee. If the select committee finds, in its written decision, that a violation has occurred or is about to occur, the committee may take such action and enforcement as it considers appropriate in accordance with applicable rules, precedents, and standing orders of the Senate, and such other standards as may be prescribed by such committee.

(c) Administrative or judicial jurisdiction of civil actions respecting franking law violations or abuses of franking privilege dependent on filing of complaint with select committee and rendition of decision by such committee.

Notwithstanding any other provision of law, no court or administrative body in the United States or in any territory thereof shall have jurisdiction to entertain any civil action of any character concerning or related to a violation of the franking laws or an abuse of the franking privilege by any person listed under subsection (a) of this section as entitled to send mail as franked mail, until a complaint has been filed with the select committee and the committee has rendered a decision under subsection (b) of this section.

(d) Administrative procedure regulations.

The select committee shall prescribe regulations for the holding of investigations and hearings, the conduct of proceedings, and the rendering of decisions under this subsection providing for equitable procedures and the protection of individual, public, and Government interests. The regulations shall, insofar as practicable, contain the substance of the administrative procedure provisions of sections 551-559 and 701-706, of title 5. These regulations shall govern matters under this subsection subject to judicial review thereof.

(e) Property of Senate; records of select committee; voting record; location of records, data, and files.

The select committee shall keep a complete record of all its actions, including a record of the votes on any question on which a record vote is demanded. All records, data, and files of the select committee shall be the property of the Senate and shall be kept in the offices of the select committee or such other places as the committee may direct. (Dec. 18, 1973, Pub. L. 93-191, § 6, 87 Stat. 744; amended Mar. 27, 1974, Pub. L. 93-255, § 3(6), 88 Stat. 52.)

Chapter 17.—CONGRESSIONAL BUDGET OFFICE

399.36 § 601. Establishment.

(a) In general.

(1) There is established an office of the Congress to be known as the Congressional Budget Office (hereinafter in this chapter referred to as the "Office"). The Office shall be headed by a Director; and there shall be a Deputy Director who shall perform such duties as may be assigned to him by the Director and, during the absence or incapacity of the Director or during a vacancy in that office, shall act as Director.

(2) The Director shall be appointed by the Speaker of the House of Representatives and the President pro tempore of the Senate after considering recommendations received from the Committees on the Budget of the House and the Senate, without regard to political affiliation and solely on the basis of his fitness to perform his duties. The Deputy Director shall be appointed by the Director.

(3) The term of office of the Director first appointed shall expire at noon on January 3, 1979, and the terms of office of Directors subsequently appointed shall expire at noon on January 3 of each fourth year thereafter. Any individual appointed as Director to fill a vacancy prior to the expiration of a term shall serve only for the unexpired portion of that term. An individual serving as Director at the expiration of a term may continue to serve until his successor is appointed. Any Deputy Director shall serve until the expiration of the term of office of the Director who appointed him (and until his successor is appointed), unless sooner removed by the Director.

(4) The Director may be removed by either House by resolution.

(5) The Director shall receive compensation at a per annum gross rate equal to the rate of basic pay, as in effect from time to time, for level III of the Executive Schedule in section 5314 of title 5. The Deputy Director shall receive compensation at a per annum gross rate equal to the rate of basic pay, as so in effect, for level IV of the Executive Schedule in section 5315 of such title.

(b) Personnel.

The Director shall appoint and fix the compensation of such personnel as may be necessary to carry out the duties and functions of the Office. All personnel of the Office shall be appointed without regard to political affiliation and solely on the bases of their fitness to perform their duties. The Director may prescribe the duties and responsibilities of the personnel of the Office, and delegate to them authority to perform any of the duties, powers, and functions imposed on the Office or on the Director.

For purposes of pay (other than pay of the Director and Deputy Director) and employment benefits, rights, and privileges, all personnel of the Office shall be treated as if they were employees of the House of Representatives.

(c) Experts and consultants.

In carrying out the duties and functions of the Office, the Director may procure the temporary (not to exceed one year) or intermittent services of experts or consultants or organizations thereof by contract as independent contractors, or, in the case of individual experts or consultants, by employment at rates of pay not in excess of the daily equivalent of the highest rate of basic pay payable under the General Schedule of section 5332 of title 5.

(d) Relationship to executive branch.

The Director is authorized to secure information, data, estimates, and statistics directly from the various departments, agencies, and establishments of the executive branch of Government and the regulatory agencies and commissions of the Government. All such departments, agencies, establishments, and regulatory agencies and commissions shall furnish the Director any available material which he determines to be necessary in the performance of his duties and functions (other than material the disclosure of which would be a violation of law). The Director is also authorized, upon agreement with the head of any such department, agency, establishment, or regulatory agency or commission, to utilize its services, facilities, and personnel with or without reimbursement; and the head of each such department, agency, establishment, or regulatory agency or commission is authorized to provide the Office such services, facilities, and personnel.

(e) Relationship to other agencies of Congress.

In carrying out the duties and functions of the Office, and for the purpose of coordinating the operations of the Office with those of other congressional agencies with a view to utilizing most effectively the information, services, and capabilities of all such agencies in carrying out the various responsibilities assigned to each, the Director is authorized to obtain information, data, estimates, and statistics developed by the General Accounting Office, the Library of Congress, and the Office of Technology Assessment, and (upon agreement with them) to utilize their services, facilities, and personnel with or without reimbursement. The Comptroller General, the Librarian of Congress, and the Technology Assessment Board are authorized to provide the Office with the information, data, estimates, and statistics, and the services, facilities, and personnel, referred to in the preceding sentence.

(f) Appropriations.

There are authorized to be appropriated to the Office for each fiscal year such sums as may be necessary to enable it to carry out its duties and functions. Until sums are first appropriated pursuant to the preceding sentence, but for a period not exceeding 12 months following the effective date of this subsection, the expenses of the Office shall be paid from the contingent fund of the Senate, in accordance with section 68 of this title, and upon vouchers approved by the Director. (July 12, 1974, Pub. L. 93–344, § 201, 88 Stat. 302.)

399.37 § 602. Duties and functions.

(a) Assistance to Budget Committees.

It shall be the duty and function of the Office to provide to the Committees on the Budget of both Houses information which will assist such committees in the discharge of all matters within their jurisdictions, including (1) information with respect to the budget appropriation bills, and other bills authorizing or providing budget authority or tax expenditures, (2) information with respect to revenues, receipts, estimated future revenues and receipts, and changing revenue conditions, and (3) such related information as such committees may request.

(b) Assistance to Committees on Appropriations, Ways and Means, and Finance.

At the request of the Committee on Appropriations of either House, the Committee on Ways and Means of the House of Representatives, or the Committee on Finance of the Senate, the Office shall provide to such committee any information which will assist it in the discharge of matters within its jurisdiction, including information described in clauses (1) and (2) of subsection (a) of this section and such related information as the committee may request.

(c) Assistance to other committees and Members.

(1) At the request of any other committee of the House of Representatives or the Senate or any joint committee of the Congress, the Office shall provide to such committee or joint committee any information compiled in carrying out clauses (1) and (2) of subsection (a) of this section, and, to the extent practicable, such additional information related to the foregoing as may be requested.

(2) At the request of any Member of the House or Senate, the Office shall provide to such Member any information compiled in carrying out clauses (1) and (2) of subsection (a) of this section, and, to the extent available, such additional information related to the foregoing as may be requested.

(d) Assignment of office personnel to Committees and Joint Committees.

At the request of the Committee on the Budget of either House, personnel of the Office shall be assigned, on a temporary basis, to assist such committee. At the request of any other committee of either House or any joint committee of the Congress, personnel of the Office may be assigned, on a temporary basis, to assist such committee or joint committee with respect to matters directly related to the applicable provisions of subsection (b) or (c) of this section.

(e) Transfer of functions of Joint Committee on Reduction of Federal Expenditures.

The duties, functions, and personnel of the Joint Committee on Reduction of Federal Expenditures are transferred to the Office, and the Joint Committee is abolished.

(f) Reports to Budget Committees.

(1) On or before February 15 of each year, the Director shall submit to the Committees on the Budget of the House of Representatives and the Senate a report, for the fiscal year commencing on October 1 of that year, with respect to fiscal policy, including (A) alternative levels of total revenues, total new budget authority, and total outlays (including related surpluses and deficits), and (B) the levels of tax expenditures under existing law, taking into account projected economic factors and any changes in such levels based on proposals in the budget submitted by the President for such fiscal year. Such report shall also include a discussion of national budget priorities, including alternative ways of allocating budget authority and budget outlays for such fiscal year among major programs or functional categories, taking into account how such alternative allocations will meet major national needs and affect balanced growth and development of the United States.

(2) The Director shall from time to time submit to the Committees on the Budget of the House of Representatives and the Senate such further reports (including reports revising the report required by paragraph (1)) as may be necessary or appropriate to provide such committees with information, data, and analyses for the performance of their duties and functions.

(3) On or before January 15 of each year, the Director, after consultation with the appropriate committees of the House of Representatives and Senate, shall submit to the Congress a report listing (A) all programs and activities funded during the fiscal year ending September 30 of that calendar year for which authorizations for appropriations have not been enacted for that fiscal year, and (B) all programs and activities for which authorizations for appropriations have been enacted for the fiscal year ending September 30 of that calendar year, but for which no authorizations for appropriations have been enacted for the fiscal year beginning October 1 of that calendar year.

(g) Use of computers and other techniques.

The Director may equip the Office with up-to-date computer capability (upon approval of the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate), obtain the services of experts and consultants in computer technology, and develop techniques for the evaluation of budgetary requirements.

(h) Studies.

The Director shall conduct continuing studies to enhance comparisons of budget outlays, credit authority, and tax expenditures. (July 12, 1974, Pub. L. 93-344, § 202(e)(1), (f), (g), 88 Stat. 304, established by the Revenue Act of 1941, Sept. 20, 1941, § 601, 55 Stat. 726; Oct. 21, 1965, Pub. L. 89-283, § 601, 79 Stat. 1026; Dec. 12, 1985, Pub. L. 99-177, Title II, § 221, 99 Stat. 1060.)

§ 603. Public access to budget data. 399.38

(a) Right to copy.

Except as provided in subsections (c) and (d) of this section, the Director shall make all information, data, estimates, and statistics obtained under sections 601(d) and 601(e) of this title available for public copying during normal business hours, subject to reasonable rules and regulations, and shall to the extent practicable, at the request of any person, furnish a copy of any such information, data, estimates, or statistics upon payment by such person of the cost of making and furnishing such copy.

(b) Index.

The Director shall develop and maintain filing, coding, and indexing systems that identify the information, data, estimates, and statistics to which subsection (a) of this section applies and shall make such systems available for public use during normal business hours.

(c) Exceptions.

Subsection (a) of this section shall not apply to information, data, estimates, and statistics—

(1) which are specifically exempted from disclosure by law;

(2) which the Director determines will disclose—

(A) matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) information relating to trade secrets or financial or commercial information pertaining specifically to a given person if the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(C) personnel or medical data or similar data the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

unless the portions containing such matters, information, or data have been excised.

(d) Information obtained for Committees and Members.

Subsection (a) of this section shall apply to any information, data, estimates, and statistics obtained at the request of any committee, joint committee, or Member unless such committee, joint committee, or Member has instructed the Director not to make such information, data, estimates, or statistics available for public copying. (July 12, 1974, Pub. L. 93-344, § 203, 88 Stat. 305.)

399.39 § 604. Contractual authority.

The Congressional Budget Office shall have the authority to contract without regard to section 5 of Title 41. (Oct. 1, 1976, Pub. L. 94-440, Title V, § 500, 90 Stat. 1452.)

399.39a § 605. Sale or lease of property, supplies, or services.

Any sale or lease of property, supplies, or services to the Congressional Budget Office shall be deemed to be a sale or lease of such property, supplies, or services to the Congress subject to section 111b of this title. (Pub. L. 100-458, Title I, Oct. 1, 1988, 102 Stat. 2169.)

Chapter 17A—CONGRESSIONAL BUDGET AND FISCAL OPERATIONS

399.39-1

§ 621. Congressional declaration of purpose.

The Congress declares that it is essential—

(1) to assure effective congressional control over the budgetary process;

(2) to provide for the congressional determination each year of the appropriate level of Federal revenues and expenditures;

(3) to provide a system of impoundment control;

(4) to establish national budget priorities; and

(5) to provide for the furnishing of information by the executive branch in a manner that will assist the Congress in discharging its duties.

(Pub. L. 93-344, § 2, July 12, 1974, 88 Stat. 298.)

§ 622. Definitions. 399.39-2

For purposes of this chapter—

(1) The terms "budget outlays" and "outlays" mean, with respect to any fiscal year, expenditures and net lending of funds under budget authority during such year.

(2) The term "budget authority" means authority provided by law to enter into obligations which will result in immediate or future outlays involving Government funds or to collect offsetting receipts, except that such term does not include authority to insure or guarantee the repayment of indebtedness incurred by another person or government.

(3) The term "tax expenditures" means those revenue losses attributable to provisions of the Federal tax laws which allow a special exclusion, exemption, or deduction from gross income or which provide a special credit, a preferential rate of tax, or a deferral of tax liability; and the term "tax expenditures budget" means an enumeration of such tax expenditures.

(4) The term "concurrent resolution on the budget" means—

(A) a concurrent resolution setting forth the congressional budget for the United States Government for a fiscal year as provided in section 632 of this title; and

(B) any other concurrent resolution revising the congressional budget for the United States Government for a fiscal year as described in section 635 of this title.

(5) The term "appropriation Act" means an Act referred to in section 105 of Title 1.

(6) The term "deficit" means, with respect to any fiscal year, the amount by which total budget outlays for such fiscal year exceed total revenues for such fiscal year. In calculating the deficit for purposes of comparison with the maximum deficit amount under the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. § 901 et seq.] and in calculating the excess deficit for purposes of section 251 [2 U.S.C. § 901] and 252 [2 U.S.C. § 902] of such Act (notwithstanding section 911(a) of Title 42), for any fiscal year, the receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for such fiscal year and the taxes payable under section 1401(a), 3101(a), and 3111(a) of

the Internal Revenue Code of 1954 [26 U.S.C. 3111(a)] during such fiscal year shall be included in total revenues for such fiscal year, and the disbursements of each such Trust Fund for such fiscal year shall be included in total budget outlays for such fiscal year. Notwithstanding any other provision of law except to the extent provided by section 911(a) of Title 42, the receipts, revenues, disbursements, budget authority, and outlays of each off-budget Federal entity for a fiscal year shall be included in total budget authority, total budget outlays, and total revenues and the amounts of budget authority and outlays set forth for each major functional category, for such fiscal year. Amounts paid by the Federal Financing Bank for the purchase of loans made or guaranteed by a department, agency, or instrumentality of the Government of the United States shall be treated as outlays of such department, agency, or instrumentality.

NOTE

Section 2 of the Internal Revenue Code of 1986 states that the Internal Revenue Code of 1954, as amended by the Internal Revenue Code of 1986 and as it may later be amended, may be cited as the "Internal Revenue Code of 1986," and it further states that, except when inappropriate, any reference in any law to the Internal Revenue Code of 1954 shall include a reference to the Internal Revenue Code of 1986.

(7) The term "maximum deficit amount" means—

(A) with respect to the fiscal year beginning October 1, 1985, $171,900,000,000;

(B) with respect to the fiscal year beginning October 1, 1986, $144,000,000,000;

(C) with respect to the fiscal year beginning October 1, 1987, $144,000,000,000;

(D) with respect to the fiscal year beginning October 1, 1988, $136,000,000,000;

(E) with respect to the fiscal year beginning October 1, 1989, $100,000,000,000;

(F) with respect to the fiscal year beginning October 1, 1990, $64,000,000,000; and

(G) With respect to the fiscal year beginning October 1, 1991, $28,000,000,000; and

(H) With respect to the fiscal year beginning October 1, 1992, zero.

(8) The term "off-budget Federal entity" means any entity (other than a privately-owned Government-sponsored entity)—

(A) which is established by Federal law, and

(B) the receipts and disbursements of which are required by law to be excluded from the totals of—

(i) the budget of the United States Government submitted by the President pursuant to section 1105 of Title 31 or

(ii) the budget adopted by the Congress pursuant to title III of this Act [2 U.S.C. § 631 et seq.].

(9) The term "entitlement authority" means spending authority described by the section 401(c)(2)(C) [2 U.S.C. § 651(c)(2)(C)].

(10) The term "credit authority" means authority to incur direct loan obligations or to incur primary loan guarantee commitments. (Pub. L. 93-344, § 3, July 12, 1974, 88 Stat. 299; Pub. L. 95-110, § 1, Sept. 20, 1977, 91 Stat. 884; Pub. L. 99-177, Title II, §§ 201(a), 232(b), Dec. 12, 1985, 99 Stat. 1039, 1062; Pub. L. 100-119, Title I, § 106(a), Sept. 29, 1987, 101 Stat. 780; Pub. L. 100-203, Title VII, § 8003(c), Dec. 22, 1987, 101 Stat. 1330-282.)

§ 623. Continuing study of additional budget reform proposals. 399.39-3

(a) The Committees on the Budget of the House of Representatives and the Senate shall study on a continuing basis proposals designed to improve and facilitate methods of congressional budgetmaking. The proposals to be studied shall include, but are not limited to, proposals for—

(1) improving the information base required for determining the effectiveness of new programs by such means as pilot testing, survey research, and other experimental and analytical techniques;

(2) improving analytical and systematic evaluation of the effectiveness of existing programs;

(3) establishing maximum and minimum time limitations for program authorization; and

(4) developing techniques of human resource accounting and other means of providing noneconomic as well as economic evaluation measures.

(b) The Committee on the Budget of each House shall, from time to time, report to its House the results of the study carried on by it under subsection (a) of this section, together with its recommendations.

(c) Nothing in this section shall preclude studies to improve the budgetary process by any other committee of the House of Representatives or the Senate or any joint committee of the Congress. (Pub. L. 93-344, Title VII, § 703, July 12, 1974, 88 Stat. 326.)

Subchapter I.—Budget Process

§ 631. Timetable. 399.39-4

The timetable with respect to the congressional budget process for any fiscal year is as follows:

On or before:	Action to be completed:
First Monday after January 3	President submits his budget.
February 15	Congressional Budget Office submits report to Budget Committees.
February 25	Committees submit views and estimates to Budget Committees.
April 1	Senate Budget Committee reports concurrent resolution on the budget.
April 15	Congress completes action on concurrent resolution on the budget.
May 15	Annual appropriation bills may be considered in the House.
June 10	House Appropriations Committee reports last annual appropriation bill.
June 15	Congress completes action on reconciliation legislation.

June 30	House completes action on annual appropriation bills.
October 1	Fiscal year begins.

(Pub. L. 93-344, Title III, § 300, July 12, 1974, 88 Stat. 306; Pub. L. 99-177, Title II, § 201(b), Dec. 12, 1985, 99 Stat. 1040.)

399.39-5 § 632. Annual adoption of concurrent resolution on the budget.

(a) Content of concurrent resolution on the budget.

On or before April 15 of each year, the Congress shall completed action on a concurrent resolution on the budget for the fiscal year beginning on October 1 of such year. The concurrent resolution shall set forth appropriate levels for the fiscal year beginning on October 1 of such year, and planning levels for each of the two ensuing fiscal years, for the following—

(1) totals of new budget authority, budget outlays, direct loan obligations, and primary loan guarantee commitments;

(2) total Federal revenues and the amount, if any, by which the aggregate level of Federal revenues should be increased or decreased by bills and resolutions to be reported by the appropriate committees;

(3) the surplus or deficit in the budget;

(4) new budget authority, budget outlays, direct loan obligations, and primary loan guarantee commitments for each major functional category, based on allocations of the total levels set forth pursuant to paragraph (1); and

(5) the public debt.

(b) Additional matters in concurrent resolution.

The concurrent resolution on the budget may—

(1) set forth, if required by subsection (f) of this section, the calendar year in which, in the opinion of the Congress, the goals for reducing unemployment set forth in section 4(b) of the Employment Act of 1946 [15 U.S.C. § 1022a(b)] should be achieved;

(2) include reconciliation directives described in section 641 of this title;

(3) require a procedure under which all or certain bills or resolutions providing new budget authority or new entitlement authority for such fiscal year shall not be enrolled until the Congress has completed action on any reconciliation bill or reconciliation resolution or both required by such concurrent resolution to be reported in accordance with section 641(b) of this subchapter; and

(4) set forth such other matters, and require such other procedures, relating to the budget, as may be appropriate to carry out the purposes of this chapter.

(c) Consideration of procedures or matters which have effect of changing any rule of the House of Representatives.

If the Committee on the Budget of the House of Representatives reports any concurrent resolution on the budget which includes any procedure or matter which has the effect of changing any rule of the House of Representatives, such concurrent resolution shall then be referred to the

Committee on Rules with instructions to report it within five calendar days (not counting any day on which the House is not in session). The Committee on Rules shall have jurisdiction to report any concurrent resolution referred to it under this paragraph with an amendment or amendments changing or striking out any such procedure or matter.

(d) Views and estimates of other committees.

On or before February 25 of each year, each committee of the House of Representatives having legislative jurisdiction shall submit to the Committee on the Budget of the House and each committee of the Senate having legislative jurisdiction shall submit to the Committee on the Budget of the Senate its views and estimates (as determined by the committee making such submission) with respect to all matters set forth in subsections (a) and (b) of this section which relate to matters within the jurisdiction or functions of such committee. The Joint Economic Committee shall submit to the Committees on the Budget of both Houses its recommendations as to the fiscal policy appropriate to the goals of the Employment Act of 1946 [15 U.S.C. § 1021 et seq.]. Any other committee of the House of Representatives or the Senate may submit to the Committee on the Budget of its House, and any joint committee of the Congress may submit to the Committees on the Budget of both Houses, its views and estimates with respect to all matters set forth in subsections (a) and (b) of this section which relate to matters within its jurisdiction or functions.

(e) Hearings and report.

In developing the concurrent resolution on the budget referred to in subsection (a) of this section for each fiscal year, the Committee on the Budget of each House shall hold hearings and shall receive testimony from Members of Congress and such appropriate representatives of Federal departments and agencies, the general public, and national organizations as the committee deems desirable. Each of the recommendations as to short-term and medium-term goals set forth in the report submitted by the members of the Joint Economic Committee under subsection (d) of this section may be considered by the Committee on the Budget of each House as part of its consideration of such concurrent resolution, and its report may reflect its views thereon, including its views on how the estimates of revenues and levels of budget authority and outlays set forth in such concurrrent resolution are designed to achieve any goals it is recommending. The report accompanying such concurrent resolution shall include, but not be limited to—

(1) a comparison of revenues estimated by the committee with those estimated in the budget submitted by the President;

(2) a comparison of the appropriate levels of total budget outlays and total new budget authority, total direct loan obligations, total primary loan guarantee commitments, as set forth in such concurrent resolution, with those estimated or requested in the budget submitted by the President;

(3) with respect to each major functional category, an estimate of budget outlays and an appropriate level of new budget authority for all proposed programs and for all existing programs (including renewals thereof), with the estimate and level for existing programs being divided between permanent authority and funds provided in

appropriation Acts, and each such division being subdivided between controllable amounts and all other amounts;

(4) an allocation of the level of Federal revenues recommended in the concurrent resolution among the major sources of such revenues;

(5) the economic assumptions and objectives which underlie each of the matters set forth in such concurrent resolution and alternative economic assumptions and objectives which the committee considered;

(6) projections (not limited to the following), for the period of five fiscal years beginning with such fiscal year, of the estimated levels of total budget outlays and total new budget authority, the estimated revenues to be received, and the estimated surplus or deficit, if any, for each fiscal year in such period, and the estimated levels of tax expenditures (the tax expenditures budget) by major functional categories;

(7) a statement of any significant changes in the proposed levels of Federal assistance to State and local governments;

(8) information, data, and comparisons indicating the manner in which, and the basis on which, the committee determined each of the matters set forth in the concurrent resolution;

(9) allocations described in section 633(a) of this title; and

(10) an analysis, prepared after consultation with the Director of the Congressional Budget Office, of the concurrent resolution's impact on the international competitiveness of United States business and the United States balance of payments position and shall include the following projections, based upon the best information available at the time, for the fiscal year covered by the concurrent resolution—

(A) the amount of borrowing by the Government in private credit markets;

(B) net domestic savings (defined as personal savings, corporate savings, and the fiscal surplus of State and local governments);

(C) net private domestic investment;

(D) the merchandise trade and current accounts;

(E) the net increase or decrease in foreign indebtedness (defined as net foreign investment); and

(F) the estimated direction and extent of the influence of the Government's borrowing in private credit markets on United States dollar interest rates and on the real effective exchange rate of the United States dollar.

(f) Achievement of goals for reducing unemployment.

(1) If, pursuant to section 4(c) of the Employment Act of 1946 [15 U.S.C § 1022a(c)], the President recommends in the Economic Report that the goals for reducing unemployment set forth in section 4(b) of such [15 U.S.C. § 1022a(b)(b)] be achieved in a year after the close of the five-year period prescribed by such subsection, the concurrent resolution on the budget for the fiscal year beginning after the date on which such Economic Report is received by the Congress may set forth the year in which, in the opinion of the Congress, such goals can be achieved.

(2) After the Congress has expressed its opinion pursuant to paragraph (1) as to the year in which the goals for reducing unemployment set forth

in section 4(b) of the Employment Act of 1946, [15 U.S.C. § 1022a(b)] can be achieved, if, pursuant to section 4(e) of such Act [15 U.S.C. § 1022a(e)], the President recommends in the Economic Report that such goals be achieved in a year which is different from the year in which the Congress has expressed its opinion that such goals should be achieved, either in its action pursuant to paragraph (1) or in its most recent action pursuant to this paragraph, the first concurrent resolution on the budget for the fiscal year beginning after the date on which such Economic Report is received by the Congress may set forth the year in which, in the opinion of the Congress, such goals can be achieved.

(3) It shall be in order to amend the provision of such resolution setting forth such year only if the amendment thereto also proposes to alter the estimates, amounts, and levels (as described in subsection (a) of this section) set forth in such resolution in germane fashion in order to be consistent with the economic goals (as described in sections 3(a)(2) [15 U.S.C. § 1022(a)(2)] and and 4(b) [15 U.S.C. § 1022a(b)] of the Employment Act of 1946) which such amendment proposes can be achieved by the year specified in such amendment.

(g) Economic assumptions.

(1) It shall not be in order in the Senate to consider any concurrent resolution on the budget for a fiscal year, or any amendment thereto, or any conference report thereon, that sets forth amounts and levels that are determined on the basis of more than one set of economic and technical assumptions.

(2) The joint explanatory statement accompanying a conference report on a concurrent resolution on the budget shall set forth the common economic assumptions upon which such joint statement and conference report are based, or upon which any amendment contained in the joint explanatory statement to be proposed by the conferees in the case of technical disagreement is based.

(3) Subject to periodic reestimation based on changed economic conditions or technical estimates, determinations under titles III [2 U.S.C.A. § 631 et seq.] and IV [2 U.S.C.A. § 651 et seq.] of the Congressional Budget Act of 1974 shall be based upon such common economic and technical assumptions.

(h) Budget Committee's consultation with committees.

The Committee on the Budget of the House of Representatives shall consult with the committees of its House having legislative jurisdiction during the preparation, consideration, and enforcement of the concurrent resolution on the budget with respect to all matters which relate to the jurisdiction or functions of such committees.

(i) Maximum deficit amount may not be exceeded.

(1)(A) Except as provided in paragraph (2), it shall not be in order in either the House of Representatives or the Senate to consider any concurrent resolution on the budget for a fiscal year under this section, or to consider any amendment to such a concurrent resolution, or to consider a conference report on such a concurrent resolution, if the level of total budget outlays for such fiscal year that is set forth in such concurrent resolution or conference report exceeds the recommended level of Federal revenues set forth for that year by an amount that is greater than the maximum deficit amount for such fiscal year as determined under section 622(7) of this title, or if the adoption of such amendment would result in a level of total budget outlays for that fiscal year which exceeds the recommended level of Federal revenues for that fiscal year, by an amount that is greater than the maximum deficit amount for such fiscal year as determined under section 622(7) of this title.

(B) In the House of Representatives the point of order established under subparagraph (A) with respect to the consideration of a conference report or with respect to the consideration of a motion to concur, with or without an amendment or amendments, in a Senate amendment, the stage of disagreement having been reached, may be waived only by a vote of three-fifths of the Members present and voting, a quorum being present.

(2) (A) Paragraph (1) of this subsection shall not apply if a declaration of war by the Congress is in effect.

(B) Paragraph (1) shall not apply to the consideration of any concurrent resolution on the budget for fiscal year 1988 or fiscal year 1989, or amendment thereto or conference report thereon, if such concurrent resolution or conference report provides, or in the case of an amendment if the concurrent resolution as changed by the adoption of such amendment would provide for deficit reduction from a budget baseline estimate as specified in section 901(a)(6) of this title for such fiscal year (based on laws in effect on January 1 of the calendar year during which the fiscal year begins) equal to or greater than the maximum amount of unachieved deficit reduction for such fiscal year as specified in section 901(a)(3)(A) of this title.

(C) For purposes of the application of subparagraph (B), the amount of deficit reduction for a fiscal year provided for in a concurrent resolution or amendment thereto or conference report thereon, shall be determined on the basis of estimates made by the Committee on the Budget of the House of Representatives or of the Senate, as the case may be. (Pub. L. 93-344, Title III, § 301, July 12, 1974, 88 Stat. 306; Pub. L. 94-455, Title XIX, § 1907(a)(5), Oct. 4, 1976, 90 Stat. 1836; Pub. L. 95-523, Title III, §§ 303(a), 304, Oct. 27, 1978, 92 Stat. 1905, 1906; Pub L. 99-177, Title II, § 201(b), Dec. 12, 1985, 99 Stat. 1040; Pub. L. 100-119, Title II, § 208(a), Sept. 29, 1987, 101 Stat. 781, 786; Pub. L. 100-418, Title V, § 5302, Aug. 23, 1988, 102 Stat. 1462.)

399.39-6 § 633. Committee allocations.

(a) Allocation of totals.

(1) For the House of Representatives, the joint explanatory statement accompanying a conference report on a concurrent resolution on the budget shall include an estimated allocation, based upon such concurrent resolution as recommended in such conference report, of the appropriate levels of total budget outlays, total new budget authority, total entitlement authority, and total credit authority among each committee of the House of Representatives which has jurisdiction over laws, bills and resolutions providing such new budget authority, such entitlement authority, or such credit authority. The allocation shall, for each committee, divide new budget authority, entitlement authority, and credit authority between amounts provided or required by law on the date of such conference report (mandatory or uncontrollable amounts), and amounts

not so provided or required (discretionary or controllable amounts), and shall make the same division for estimated outlays that would result from such new budget authority.

(2) For the Senate, the joint explanatory statement accompanying a conference report on a concurrent resolution on the budget shall include an estimated allocation, based upon such concurrent resolution as recommended in such conference report, of the appropriate levels of total budget outlays, total new budget authority and new credit authority among each committee of the House of Representatives and the Senate which has jurisdiction over bills and resolutions providing such new budget authority.

(b) Reports by committees.

As soon as practicable after a concurrent resolution on the budget is agreed to—

(1) the Committee on Appropriations of each House shall, after consulting with the Committee on Appropriations of the other House, (A) subdivide among its subcommittees the allocation of budget outlays, new budget authority, and new credit authority allocated to it in the joint explanatory statement accompanying the conference report on such concurrent resolution, and (B) further subdivide the amount with respect to each such subcommittee between controllable amounts and all other amounts; and

(2) every other committee of the House and Senate to which an allocation was made in such joint explanatory statement shall, after consulting with the committee or committees of the other House to which all or part of its allocation was made, (A) subdivide such allocation among its subcommittees or among programs over which it has jurisdiction, and (B) further subdivide the amount with respect to each subcommittee or program between controllable amounts and all other amounts.

Each such committee shall promptly report to its House the subdivisions made by it pursuant to this subsection.

(c) Point of order.

It shall not be in order in the House of Representatives or the Senate to consider any bill or resolution, or amendment thereto, providing—

(1) new budget authority for a fiscal year;

(2) new spending authority as described in section 651(c)(2) of this title for a fiscal year; or

(3) new credit authority for a fiscal year;

within the jurisdiction of any committee which has received an appropriate allocation of such authority pursuant to subsection (a) of this section for such fiscal year, unless and until such committee makes the allocation or subdivisions required by subsection (b) of this section, in connection with the most recently agreed to concurrent resolution on the budget for such fiscal year.

(d) Subsequent concurrent resolutions.

In the case of a concurrent resolution on the budget referred to in section 635 of this title, the allocations under subsection (a) of this section and the subdivisions under subsection (b) of this section shall be required only to the extent necessary to take into account revisions made in the most recently agreed to concurrent resolution on the budget.

(e) Alteration of allocations.

At any time after a committee reports the allocation required to be made under subsection (b) of this section, such committee may report to its House an alteration of such allocations. Any alteration of such allocations must be consistent with any actions already taken by its House on legislation within the committee's jurisdiction.

(f) Legislation subject to point of order.

(1) In House of Representatives.

After the Congress has completed action on a concurrent resolution on the budget for a fiscal year, it shall not be in order in the House of Representatives to consider any bill, resolution, or amendment providing new budget authority for such fiscal year, new entitlement authority effective during such fiscal year, or new credit authority for such fiscal year, or any conference report on any such bill or resolution, if—

(A) the enactment of such bill or resolution as reported;

(B) the adoption and enactment of such amendment; or

(C) the enactment of such bill or resolution in the form recommended in such conference report,

would cause the appropriate allocation made pursuant to subsection (b) of this section for such fiscal year of new discretionary budget authority, new entitlement authority, or new credit authority to be exceeded.

(2) In Senate.

At any time after the Congress has completed action on the concurrent resolution on the budget required to be reported under section 632(a) of this title for a fiscal year, it shall not be in order in the Senate to consider any bill or resolution (including a conference report thereon), or any amendment to a bill or resolution, that provides for budget outlays or new budget authority in excess of the appropriate allocation of such outlays or authority reported under subsection (b) of this section in connection with the most recently agreed to concurrent resolution on the budget for such fiscal year.

(g) Determinations by Budget Committees.

For purposes of this section, the levels of new budget authority, spending authority as described in section 651(c)(2) of this title, outlays, and new credit authority for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the House of Representatives or the Senate, as the case may be. (Pub. L. 93-344, Title III, § 302, July 12, 1974, 88 Stat. 308; Pub. L. 99-177, Title II, § 201(b), Dec. 12, 1985, 99 Stat. 1044.)

§ 634. Adoption of concurrent resolution on budget prior to consideration of legislation providing new budget authority, new spending authority, new credit authority, or changes in revenues or public debt limit. 399.39-7

(a) In general.

It shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution (or amendment thereto) as reported to the House or Senate which provides—

(1) new budget authority for a fiscal year;

(2) an increase or decrease in revenues to become effective during a fiscal year;

(3) an increase or decrease in the public debt limit to become effective during a fiscal year; or

(4) new entitlement authority to become effective during a fiscal year; or,

(5) new credit authority for a fiscal year,

until the concurrent resolution on the budget for such fiscal year has been agreed to pursuant to section 632 of this title.

(b) Exceptions.

Subsection (a) of this section does not apply to any bill or resolution—

(1) providing new budget authority which first becomes available in a fiscal year following the fiscal year to which the concurrent resolution applies; or

(2) increasing or decreasing revenues which first become effective in a fiscal year following the fiscal year to which the concurrent resolution applies.

After May 15 of any calendar year, subsection (a) of this section does not apply in the House of Representatives to any general appropriation bill, or amendment thereto, which provides new budget authority for the fiscal year beginning in such calendar year.

(c) Waiver in Senate.

(1) The committee of the Senate which reports any bill or resolution (or amendment thereto) to which subsection (a) of this section applies may at or after the time it reports such bill or resolution (or amendment), report a resolution to the Senate (A) providing for the waiver of subsection (a) of this section with respect to such bill or resolution (or amendment), and (B) stating the reasons why the waiver is necessary. The resolution shall then be referred to the Committee on the Budget of the Senate. That committee shall report the resolution to the Senate within 10 days after the resolution is referred to it (not counting any day on which the Senate is not in session) beginning with the day following the day on which it is so referred, accompanied by that committee's recommendations and reasons for such recommendations with respect to the resolution. If the committee does not report the resolution within such 10-day period, it shall automatically be discharged from further consideration of the resolution and the resolution shall be placed on the calendar.

(2) During the consideration of any such resolution, debate shall be limited to one hour, to be equally divided between, and controlled by, the majority leader and minority leader or their designees, and the time on

any debatable motion or appeal shall be limited to twenty minutes, to be equally divided between, and controlled by, the mover and the manager of the resolution. In the event the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from the time under their control on the passage of such resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal. No amendment to the resolution is in order.

(3) If, after the Committee on the Budget has reported (or been discharged from further consideration of) the resolution, the Senate agrees to the resolution, then subsection (a) of this section shall not apply with respect to the bill or resolution to which the resolution so agreed to applies. (Pub. L. 93-344, Title III, § 303, July 12, 1974, 88 Stat. 309; Pub. L. 99-177, Title II, Dec. 12, 1985, 99 Stat. 1046.)

399.39-8 § 635. Permissible revisions of concurrent resolutions on budget.

(a) In general.

At any time after the first concurrent resolution on the budget for a fiscal year has been agreed to pursuant to section 632 of this title, and before the end of such fiscal year, the two Houses may adopt a concurrent resolution on the budget which revises the concurrent resolution on the budget for such fiscal year most recently agreed to.

(b) Maximum deficit amount may not be exceeded.

The provisions of section 632(i) of this title shall apply with respect to concurrent resolutions on the budget under this section (and amendments thereto and conference reports thereon) in the same way they apply to concurrent resolutions on the budget under such section 632(i) of this title (and amendments thereto and conference reports thereon).

(c) Economic assumptions.

The provisions of section 632(g) of this title shall apply with respect to concurrent resolutions on the budget under this section (and amendments thereto and conference reports thereon) in the same way they apply to concurrent resolutions on the budget under such section 632(g) of this title (and amendments thereto and conference reports thereon). (Pub. L. 93-344, Title III, July 12, 1974, 88 Stat. 310; Pub. L. 99-177, Title II, § 201(b), Dec. 12, 1985, 99 Stat. 1047; Pub. L. 100-119, Title II, Sept. 29, 1987, 101 Stat. 786.)

399.39-9 § 636. Consideration of concurrent resolutions on budget.

(a) Procedure in House of Representatives after report of Committee; debate.

(1) When the Committee on the Budget of the House has reported any concurrent resolution on the budget, it is in order at any time after the fifth day (excluding Saturdays, Sundays, and legal holidays) following the day on which the report upon such resolution by the Committee on the Budget has been available to Members of the House and, if applicable, after the first day (excluding Saturdays, Sundays, and legal holidays) following the day on which a report upon such resolution by the Committee on Rules pursuant to section 632(c) of this title has been available to Members of the House (even though a previous motion to the same effect

has been disagreed to) to move to proceed to the consideration of the concurrent resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) General debate on any concurrent resolution on the budget in the House of Representatives shall be limited to not more than 10 hours, which shall be divided equally between the majority and minority parties, plus such additional hours of debate as are consumed pursuant to paragraph (3). A motion further to limit debate is not debatable. A motion to recommit the concurrent resolution is not in order, and it is not in order to move to reconsider the vote by which the concurrent resolution is agreed to or disagreed to.

(3) Following the presentation of opening statements on the concurrent resolution on the budget for a fiscal year by the chairman and ranking minority member of the Committee on the Budget of the House, there shall be a period of up to four hours for debate on economic goals and policies.

(4) Only if a concurrent resolution on the budget reported by the Committee on the Budget of the House sets forth the economic goals (as described in sections 1022(a) and 1022a(b) of Title 15) which the estimates, amounts, and levels (as described in section 632(a) of this title) set forth in such resolution are designed to achieve, shall it be in order to offer to such resolution an amendment relating to such goals, and such amendment shall be in order only if it also proposes to alter such estimates, amounts, and levels in germane fashion in order to be consistent with the goals proposed in such amendment.

(5) Consideration of any concurrent resolution on the budget by the House of Representatives shall be in the Committee of the Whole, and the resolution shall be considered for amendment under the five-minute rule in accordance with the applicable provisions of rule XXIII of the Rules of the House of Representatives. After the Committee rises and reports the resolution back to the House, the previous question shall be considered as ordered on the resolution and any amendments thereto to final passage without intervening motion; except that it shall be in order at any time prior to final passage (notwithstanding any other rule or provision of law) to adopt an amendment (or a series of amendments) changing any figure or figures in the resolution as so reported to the extent necessary to achieve mathematical consistency.

(6) Debate in the House of Representatives on the conference report on any concurrent resolution on the budget shall be limited to not more than 5 hours, which shall be divided equally between the majority and minority parties. A motion further to limit debate is not debatable. A motion to recommit the conference report is not in order, and it is not in order to move to reconsider the vote by which the conference report is agreed to or disagreed to.

(7) Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to any concurrent resolution on the budget shall be decided without debate.

(b) Procedure in Senate after report of Committee; debate; amendments.

(1) Debate in the Senate on any concurrent resolution on the budget, and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than 50 hours, except that with respect to any concurrent resolution referred to in section 635(a) of this title all such debate shall be limited to not more than 15 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(2) Debate in the Senate on any amendment to a concurrent resolution on the budget shall be limited to 2 hours, to be equally divided between, and controlled by, the mover and the manager of the concurrent resolution, and debate on any amendment to an amendment, debatable motion, or appeal shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the concurrent resolution, except that in the event the manager of the concurrent resolution is in favor of any such amendment, motion, or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. No amendment that is not germane to the provisions of such concurrent resolution shall be received. Such leaders, or either of them, may, from the time under their control on the passage of the concurrent resolution, allot additional time to any Senator during the consideration of any amendment, debatable motion, or appeal.

(3) Following the presentation of opening statements on the first concurrent resolution on the budget for a fiscal year by the chairman and ranking minority member of the Committee on the Budget of the Senate, there shall be a period of up to four hours for debate on economic goals and policies.

(4) Subject to the other limitations of this Act, only if a concurrent resolution on the budget reported by the Committee on the Budget of the Senate sets forth the economic goals (as described in sections 3(a)(2) and 4(b) of the Employment Act of 1946 [15 U.S.C. 1022(a)(2) and 15 U.S.C. 1022a(b)]), which the estimates, amounts, and levels (as described in section 632(a) of this title) set forth in such resolution are designed to achieve, shall it be in order to offer to such resolution an amendment relating to such goals, and such amendment shall be in order only if it also proposes to alter such estimates, amounts, and levels in germane fashion in order to be consistent with the goals proposed in such amendment.

(5) A motion to further limit debate is not debatable. A motion to recommit (except a motion to recommit with instructions to report back within a specified number of days, not to exceed 3, not counting any day on which the Senate is not in session) is not in order. Debate on any such motion to recommit shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the concurrent resolution.

(6) Notwithstanding any other rule, an amendment, or series of amendments, to a concurrent resolution on the budget proposed in the Senate shall always be in order if such amendment or series of amendments proposes to change any figure or figures then contained in such concurrent resolution so as to make such concurrent resolution mathematically consistent or so as to maintain such consistency.

(c) Action on conference reports in Senate.

(1) The conference report on any concurrent resolution on the budget shall be in order in the Senate at any time after the third day (excluding Saturdays, Sundays, and legal holidays) following the day on which such conference report is reported and is available to Members of the Senate. A motion to proceed to the consideration of the conference report may be made even though a previous motion to the same effect has been disagreed to.

(2) During the consideration in the Senate of the conference report on any concurrent resolution on the budget, and all amendments in disagreement, and all amendments thereto, and debatable motions and appeals in connection therewith, debate shall be limited to 10 hours, to be equally divided between, and controlled by, the majority leader and minority leader or their designees. Debate on any debatable motion or appeal related to the conference report shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the conference report.

(3) Should the conference report be defeated, debate on any request for a new conference and the appointment of conferees shall be limited to 1 hour, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or his designee, and should any motion be made to instruct the conferees before the conferees are named, debate on such motion shall be limited to one-half hour, to be equally divided between, and controlled by, the mover and the manager of the conference report. Debate on any amendment to any such instructions shall be limited to 20 minutes, to be equally divided between and controlled by the mover and the manager of the conference report. In all cases when the manager of the conference report is in favor of any motion, appeal, or amendment, the time in opposition shall be under the control of the minority leader or his designee.

(4) In any case in which there are amendments in disagreement, time on each amendment shall be limited to 30 minutes, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or his designee. No amendment that is not germane to the provisions of such amendments shall be received.

(d) Required action by conference committee.

If, at the end of 7 days (excluding Saturdays, Sundays, and legal holidays) after the conferees of both Houses have been appointed to a committee of conference on a concurrent resolution on the budget, the conferees are unable to reach agreement with respect to all matters in disagreement between the two Houses, then the conferees shall submit to their respective Houses, on the first day thereafter on which their House is in session—

(1) a conference report recommending those matters on which they have agreed and reporting in disagreement those matters on which they have not agreed; or

(2) a conference report in disagreement, if the matter in disagreement is an amendment which strikes out the entire text of the concurrent resolution and inserts a substitute text.

(e) Concurrent resolution must be consistent in Senate.

It shall not be in order in the Senate to vote on the question of agreeing to—

(1) a concurrent resolution on the budget unless the figures then contained in such resolution are mathematically consistent; or

(2) a conference report on a concurrent resolution on the budget unless the figures contained in such resolution, as recommended in such conference report, are mathematically consistent.

(Pub. L. 93-344, Title III, § 305, July 12, 1974, 88 Stat. 310; Pub. L. 95-523, Title III, § 303 (b), (c), Oct. 27, 1978, 92 Stat. 1905, 1906; Pub. L. 99-177, Title II, § 201(b), Dec. 12, 1985, 99 Stat. 1047; Pub L. 100-119, Title II, § 209, Sept. 29, 1987, 101 Stat. 787; Pub. L. 100-203, Title VIII, § 8003(d), Dec. 22, 1987, 101 Stat. 1330-282.)

399.39-10 § 637. Budget Committee handling of legislation dealing with Congressional budget.

No bill or resolution, and no amendment to any bill or resolution, dealing with any matter which is within the jurisdiction of the Committee on the Budget of either House shall be considered in that House unless it is a bill or resolution which has been reported by the Committee on the Budget of that House (or from the consideration of which such committee has been discharged) or unless it is an amendment to such a bill or resolution. (Pub. L. 93-344, Title III, § 306, July 12, 1974, 88 Stat. 313.)

399.39-11 § 638. House Committee action on all appropriation bills to be completed by June 10.

On or before June 10 of each year, the Committee on Appropriations of the House of Representatives shall report annual appropriations bills providing new budget authority under the jurisdiction of all of its subcommittees for the fiscal year which begins on October 1 of that year. (Pub. L. 93-344, Title III, § 307, July 12, 1974, 88 Stat. 313; Pub. L. 99-177, Title II, § 201(b), Dec. 12, 1985, 99 Stat. 1051.)

399.39-12 § 639. Reports, summaries, and projections of Congressional budget actions.

(a) Reports on legislation providing new budget authority, new spending authority, or new credit authority, or providing increase or decrease in revenues or tax expenditures.

(1) Whenever a committee of either House reports a bill or resolution, or committee amendment thereto, providing new budget authority (other than continuing appropriations), new spending authority described in section 651(c)(2) of this title, or new credit authority, or providing an increase or decrease in revenues or tax expenditures for a fiscal year, the report accompanying that bill or resolution shall contain a statement, or the committee shall make available such a statemnt in the case of an approved committee amendment which is not reported to its House, prepared after consultation with the Director of the Congressional Budget Office—

(A) comparing the levels in such measure to the appropriate allocations in the reports submitted under section 633(b) of this title for the most recently agreed to concurrent resolution on the budget for such fiscal year;

(B) including an identification of any new spending authority described in section 651(c)(2) of this title which is contained in such measure and a justification for the use of such financing method instead of annual appropriations;

(C) containing a projection by the Congressional Budget Office of how such measure will affect the levels of such budget authority, budget outlays, spending authority, revenues, tax expenditures, direct loan obligations, or primary loan guarantee commitments under existing law for such fiscal year and each of the four ensuing fiscal years, if timely submitted before such report is filed; and

(D) containing an estimate by the Congressional Budget Office of the level of new budget authority for assistance to State and local governments provided by such measure, if timely submitted before such report is filed.

(2) Whenever a conference report is filed in either House and such conference report or any amendment reported in disagreement or any amendment contained in the joint statement of managers to be proposed by the conferees in the case of technical disagreement on such bill or resolution provides new budget authority (other than continuing appropriations), new spending authority described in section 651(c)(2) of this title, or new credit authority, or provides an increase or decrease in revenues for a fiscal year, the statement of managers accompanying such conference report shall contain the information described in paragraph (1), if available on a timely basis. If such information is not available when the conference report is filed, the committee shall make such information available to Members as soon as practicable prior to the consideration of such conference report.

(b) Up-to-date tabulation of Congressional budget action.

(1) The Director of the Congressional Budget Office shall issue to the committees of the House of Representatives and the Senate reports on at least a monthly basis detailing and tabulating the progress of congressional action on bills and resolutions providing new budget authority, new spending authority described in section 651(c)(2) of this title, or new credit authority, or providing an increase or decrease in revenues or tax expenditures for a fiscal year. Such reports shall include but are not limited to an up-to-date tabulation comparing the appropriate aggregate and functional levels (including outlays) included in the most recently adopted concurrent resolution on the budget with the levels provided in bills and resolutions reported by committees or adopted by either House or by the Congress, and with the levels provided by law for the fiscal year preceding such fiscal year.

(2) The Committee on the Budget of each House shall make available to Members of its House summary budget scorekeeping reports. Such reports—

(A) shall be made available on at least a monthly basis, but in any case frequently enough to provide Members of each House an accurate representation of the current status of congressional consideration of the budget;

(B) shall include, but are not limited to, summaries of tabulations provided under subsection (b)(1) of this section; and

(C) shall be based on information provided under subsection (b)(1) of this section without substantive revision.

The chairman of the Committee on the Budget of the House of Representatives shall submit such reports to the Speaker.

(c) Five-year projection of Congressional budget action.

As soon as practicable after the beginning of each fiscal year, the Director of the Congressional Budget Office shall issue a report projecting for the period of 5 fiscal years beginning with such fiscal year—

(1) total new budget authority and total budget outlays for each fiscal year in such period;

(2) revenues to be received and the major sources thereof, and the surplus or deficit, if any, for each fiscal year in such period;

(3) tax expenditures for each fiscal year in such period;

(4) entitlement authority for each fiscal year in such period; and

(5) credit authority for each fiscal year in such period.

(Pub. L. 93-344, Title III, § 309, July 12, 1974, 88 Stat. 314; Pub. L. 99-177, Title II, § 201(b), Dec. 12, 1985, 99 Stat. 1051.)

399.39-13 § 640. House approval of regular appropriation bills.

It shall not be in order in the House of Representatives to consider any resolution providing for an adjournment period of more than three calendar days during the month of July until the House of Representatives has approved annual appropriation bills providing new budget authority under the jurisdiction of all the subcommittees of the Committee on Appropriations for the fiscal year beginning on October 1 of such year. For purposes of this section, the chairman of the Committee on Appropriations of the House of Representatives shall periodically advise the Speaker as to changes in jurisdiction among its various subcommittees. (Pub. L. 93-344, Title III, § 309, July 12, 1974, 88 Stat. 314; Pub. L. 99-177, Title II, § 201(b), Dec. 12, 1985, 99 Stat. 1052.)

399.39-14 § 641. Reconciliation.

(a) Inclusion of reconciliation directives in concurrent resolutions on the budget.

A concurrent resolution on the budget for any fiscal year, to the extent necessary to effectuate the provisions and requirements of such resolution, shall—

(1) specify the total amount by which—

(A) new budget authority for such fiscal year;

(B) budget authority initially provided for prior fiscal years;

(C) new entitlement authority which is to become effective during such fiscal year; and

(D) credit authority for such fiscal year, contained in laws, bills, and resolutions within the jurisdiction of a committee, is to be changed and direct that committee to determine and recommend changes to accomplish a change of such total amount;

(2) specify the total amount by which revenues are to be changed and direct that the committees having jurisdiction to determine and recommend changes in the revenue laws, bills, and resolutions to accomplish a change of such total amount;

(3) specify the amounts by which the statutory limit on the public debt is to be changed and direct the committee having jurisdiction to recommend such change; or

(4) specify and direct any combination of the matters described in paragraphs (1), (2), and (3).

(b) Legislative procedure.

If a concurrent resolution containing directives to one or more committees to determine and recommend changes in laws, bills, or resolutions is agreed to in accordance with subsection (a) of this section and—

(1) only one committee of the House or the Senate is directed to determine and recommend changes, that committee shall promptly make such determination and recommendations and report to its House reconciliation legislation containing such recommendations; or

(2) more than one committee of the House or the Senate is directed to determine and recommend changes, each such committee so directed shall promptly make such determination and recommendations and submit such recommendations to the Committee on the Budget of its House, which, upon receiving all such recommendations, shall report to its House reconciliation legislation carrying out all such recommendations without any substantive revision.

For purposes of this subsection, a reconciliation resolution is a concurrent resolution directing the Clerk of the House of Representatives or the Secretary of the Senate, as the case may be, to make specified changes in bills and resolutions which have not been enrolled.

(c) Compliance with reconciliation directions.

Any committee of the House of Representatives or the Senate that is directed, pursuant to a concurrent resolution on the budget, to determine and recommend changes of the type described in paragraphs (1) and (2) of subsection (a) of this section with respect to laws within its jurisdiction, shall be deemed to have complied with such directions—

(1) if—

(A) the amount of the changes of the type described in paragraph (1) of such subsection recommended by such committee do not exceed or fall below the amount of the changes such committee was directed by such concurrent resolution to recommend under such paragraph by more than 20 percent of the total of the amounts of the changes such committee was directed to make under paragraphs (1) and (2) of such subsection, and

(B) the amount of the changes of the type described in paragraph (2) of such subsection recommended by such committee do not exceed or fall below the amount of the changes such committee was directed by such concurrent resolution to recommend under that paragraph by more than 20 percent of the total of the amounts of the changes such committee was directed to make under paragraphs (1) and (2) of such subsection; and

(2) if the total amount of the changes recommended by such committee is not less than the total of the amounts of the changes such committee was directed to make under paragraphs (1) and (2) of such subsection.

(d) Limitation on amendments to reconciliation bills and resolutions.

(1) It shall not be in order in the House of Representatives to consider any amendment to a reconciliation bill or reconciliation resolution if

such amendment would have the effect of increasing any specific budget outlays above the level of such outlays provided in the bill or resolution (for the fiscal years covered by the reconciliation instructions set forth in the most recently agreed to concurrent resolution on the budget), or would have the effect of reducing any specific Federal revenues below the level of such revenues provided in the bill or resolution (for such fiscal years), unless such amendment makes at least an equivalent reduction in other specific budget outlays, an equivalent increase in other specific Federal revenues, or an equivalent combination thereof (for such fiscal years), except that a motion to strike a provision providing new budget authority or new entitlement authority may be in order.

(2) It shall not be in order in the Senate to consider any amendment to a reconciliation bill or reconciliation resolution if such amendment would have the effect of decreasing any specific budget outlay reductions below the level of such outlay reductions provided (for the fiscal years covered) in the reconciliation instructions which relate to such bill or resolution set forth in a resolution providing for reconciliation, or would have the effect of reducing Federal revenue increases below the level of such revenue increases provided (for such fiscal years) in such instructions relating to such bill or resolution, unless such amendment makes a reduction in other specific budget outlays, an increase in other specific Federal revenues, or a combination thereof (for such fiscal years) at least equivalent to any increase in outlays or decrease in revenues provided by such amendment, except that a motion to strike a provision shall always be in order.

(3) Paragraphs (1) and (2) shall not apply if a declaration of war by the Congress is in effect.

(4) For purposes of this section, the levels of budget outlays and Federal revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the House of Representatives or of the Senate, as the case may be.

(5) The Committee on Rules of the House of Representatives may make in order amendments to achieve changes specified by reconciliation directives contained in a concurrent resolution on the budget if a committee or committees of the House fail to submit recommended changes to its Committee on the Budget pursuant to its instruction.

(e) Procedure in Senate.

(1) Except as provided in paragraph (2), the provisions of section 636 of this title for the consideration in the Senate of concurrent resolutions on the budget and conference reports thereon shall also apply to the consideration in the Senate of reconciliation bills reported under subsection (b) of this section and conference reports thereon.

(2) Debate in the Senate on any reconciliation bill reported under subsection (b) of this section, and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than 20 hours.

(f) Completion of reconciliation process.

(1) In general.

Congress shall complete action on any reconciliation bill or reconciliation resolution reported under subsection (b) of this section not later than June 15 of each year.

(2) Point of order in House of Representatives.

It shall not be in order in the House of Representatives to consider any resolution providing for an adjournment period of more than three calendar days during the month of July until the House of Representatives has completed action on the reconciliation legislation for the fiscal year beginning on October 1 of the calendar year to which the adjournment resolution pertains, if reconciliation legislation is required to be reported by the concurrent resolution on the budget for such fiscal year.

(g) Limitation on changes to Social Security Act.

Notwithstanding any other provision of law, it shall not be in order in the Senate or the House of Representatives to consider any reconciliation bill or reconciliation resolution reported pursuant to a concurrent resolution on the budget agreed to under section 632 or 635 of this title, or a resolution pursuant to section 904(b) of this title, or any amendment thereto or conference report thereon, that contains recommendations with respect to the old-age, survivors, and disability insurance program established under title II of the Social Security Act [42 U.S.C.A. § 401 et seq.]. (Pub. L. 93-344, Title III, § 310, July 12, 1974, 88 Stat. 315; Pub. L. 99-177, Title II, § 201(b), Dec. 12, 1985, 99 Stat. 1053.)

§ 642. New budget authority, new spending authority, and revenue legislation to be within appropriate levels. 399.39-15

(a) Legislation subject to point of order.

Except as provided by subsection (b) of this section, after the Congress has completed action on a concurrent resolution on the budget for a fiscal year, it shall not be in order in either the House of Representatives or the Senate to consider any bill, resolution, or amendment providing new budget authority for such fiscal year, providing new entitlement authority effective during such fiscal year, or reducing revenues for such fiscal year, or any conference report on any such bill or resolution, if—

(1) the enactment of such bill or resolution as reported;

(2) the adoption and enactment of such amendment; or

(3) the enactment of such bill resolution in the form recommended in such conference report;

would cause the appropriate level of total new budget authority or total budget outlays set forth in the most recently agreed to concurrent resolution on the budget for such fiscal year to be exceeded, or would cause revenues to be less than the appropriate level of total revenues set forth in such concurrent resolution or, in the Senate, would otherwise result in a deficit for such fiscal year that—

(A) for fiscal year 1989 or any subsequent fiscal year, exceeds the maximum deficit amount specified for such fiscal year in section 622(7) of this title; and

(B) for fiscal year 1988 or 1989, exceeds the amount of the estimated deficit for such fiscal year based on laws and regulations in effect on January 1 of the calendar year in which such fiscal year begins as measured using the budget baseline specified in section 901(a)(6) of this title minus $23,000,000,000 for fiscal year 1988 or $36,000,000,000 for fiscal year 1989.

(b) Exception in House of Representatives.

Subsection (a) of this section shall not apply in the House of Representatives to any bill, resolution, or amendment which provides new budget authority or new entitlement authority effective during such fiscal year, or to any conference report on any such bill or resolution, if—

(1) the enactment of such bill or resolution as reported;

(2) the adoption and enactment of such amendment; or

(3) the enactment of such bill or resolution in the form recommended in such conference report;

would cause the appropriate allocation of new discretionary budget authority or entitlement authority made pursuant to section 633(a) of this title for such fiscal year, for the committee within whose jurisdiction such bill, resolution, or amendment falls, to be exceeded.

(c) Determination of budget levels.

For purposes of this section, the levels of new budget authority, budget outlays, new entitlement authority, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the House of Representatives or of the Senate, as the case may be. (Pub. L. 93-344, Title III, § 311, July 12, 1974, 88 Stat. 348; Pub. L. 99-177, Title II, § 201(b), Dec. 12, 1985, 99 Stat. 1055; Pub. L. 100-119, Title I, § 106(e)(1), Sept. 29, 1987, 101 Stat. 781.)

Subchapter II.—Fiscal Procedures

399.39-16 § 651. Bills providing new spending authority.

(a) Controls on legislation providing spending authority.

It shall not be order in either the House of Representatives or the Senate to consider any bill, resolution, or conference report, as reported to its House which provides new spending authority described in subsection (c)(2)(A) or (B) of this section (or any amendment which provides such new spending authority), unless that bill, resolution, conference report, or amendment also provides that such new spending authority as described in subsection (c)(2)(A) or (B) of this section is to be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

(b) Legislation providing entitlement authority.

(1) It shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution which provides new spending authority described in subsection (c)(2)(C) of this section (or any amendment which provides such new spending authority) which is to become effective before the first day of the fiscal year which begins during the calendar year in which such bill or resolution is reported.

(2) If any committee of the House of Representatives or the Senate reports any bill or resolution which provides new spending authority described in subsection (c)(2)(C) of this section which is to become effective during a fiscal year and the amount of new budget authority which will be required for such fiscal year if such bill or resolution is enacted as so reported exceeds the appropriate allocation of new budget authority reported under section 633(b) of this title in connection with the most recently agreed to concurrent resolution on the budget for such fiscal year, such bill or resolution shall then be referred to the Committee on

Appropriations of that House with instructions to report it, with the committee's recommendations, within 15 calendar days (not counting any day on which that House is not in session) beginning with the day following the day on which it is so referred. If the Committee on Appropriations of either House fails to report a bill or resolution referred to it under this paragraph within such 15-day period, the committee shall automatically be discharged from further consideration of such bill or resolution and such bill or resolution shall be placed on the appropriate calendar.

(3) The Committee on Appropriations of each House shall have jurisdiction to report any bill or resolution referred to it under paragraph (2) with an amendment which limits the total amount of new spending authority provided in such bill or resolution.

(c) Definitions.

(1) For purposes of this section, the term "new spending authority" means spending authority not provided by law on the effective date of this Act, including any increase in or addition to spending authority provided by law, on such date.

(2) For purposes of paragraph (1), the term "spending authority" means authority (whether temporary or permanent)—

(A) to enter into contracts under which the United States is obligated to make outlays, the budget authority for which is not provided in advance by appropriation Acts;

(B) to incur indebtedness (other than indebtedness incurred under chapter 31 of Title 31) for the repayment of which the United States is liable, the budget authority for which is not provided in advance by appropriation Acts;

(C) to make payments (including loans and grants), the budget authority for which is not provided for in advance by appropriation Acts, to any person or government if, under the provisions of the law containing such authority, the United States is obligated to make such payments to persons or governments who meet the requirements established by such law;

(D) to forego the collection by the United States of proprietary offsetting receipts, the budget authority for which is not provided in advance by appropriation Acts to offset such foregone receipts; and

(E) to make payments by the United States (including loans, grants, and payments from revolving funds) other than those covered by subparagraph (A), (B), (C), or (D), the budget authority for which is not provided in advance by appropriation Acts.

Such term does not include authority to insure or guarantee the repayment of indebtedness incurred by another person or government.

(d) Exceptions.

(1) Subsections (a) and (b) of this section shall not apply to new spending authority if the budget authority for outlays which will result from such new spending authority is derived—

(A) from a trust fund established by the Social Security Act [42 U.S.C. § 301 et seq.] (as in effect on July 12, 1974); or

(B) from any other trust fund, 90 percent or more of the receipts of which consist or will consist of amounts (transferred from the general fund of the Treasury) equivalent to amounts of taxes (related to the purposes for which such outlays are or will be made) received in the Treasury under specified provisions of the Internal Revenue Code of 1954 [26 U.S.C. § 1 et seq.].

NOTE

See Note following § 651(b)(6) concerning reference to the Internal Revenue Code of 1954.

(2) Subsections (a) and (b) of this section shall not apply to new spending authority which is an amendment to or extension of chapter 67 of Title 31, or a continuation of the program of fiscal assistance to State and local governments provided by that chapter, to the extent so provided in the bill or resolution providing such authority.

(3) Subsections (a) and (b) of this section shall not apply to new spending authority to the extent that—

(A) the outlays resulting therefrom are made by an organization which is (i) a mixed-ownership Government corporation (as defined in section 9101(2) of Title 31) or (ii) a wholly owned Government corporation (as defined in section 9101(3) of Title 31) which is specifically exempted by law from compliance with any or all of the provisions of chapter 91 of Title 31, as of December 12, 1985; or

(B) the outlays resulting therefrom consist exclusively of the proceeds of gifts or bequests made to the United States for a specific purpose.

(Pub. L. 93-344, Title IV, § 401, July 12, 1974, 88 Stat. 317; Pub. L. 99-177, Title II, § 211, Dec. 12, 1985, 99 Stat. 1056.)

399.39-17 § 652. Legislation providing new credit authority.

(a) Controls on legislation providing new credit authority.

It shall not be in order in either the House of Representatives or the Senate to consider any bill, resolution, or conference report, as reported to its House, or any amendment which provides new credit authority described in subsection (b) of this section, unless that bill, resolution, conference report, or amendment also provides that such new credit authority is to be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

(b) Definition.

For purposes of this Act, the term "new credit authority" means credit authority (as defined in section 622(10) of this title) not provided by law on the effective date of this section, including any increase in or addition to credit authority provided by law on such date. (Pub. L. 93-344, Title IV, § 402, July 12, 1974, 88 Stat. 318; Pub. L. 99-177, Title II, § 212, Dec. 12, 1985, 99 Stat. 1058.)

399.39-18 § 653. Analysis by Congressional Budget Office.

(a) The Director of the Congressional Budget Office shall, to the extent practicable, prepare for each bill or resolution of a public character reported by any committee of the House of Representatives or the Senate (except the Committee on Appropriations of each House), and submit to such committee—

(1) an estimate of the costs which would be incurred in carrying out such bill or resolution in the fiscal year in which it is to become

effective and in each of the 4 fiscal years following such fiscal year, together with the basis for each such estimate;

(2) an estimate of the cost which would be incurred by State and local governments in carrying out or complying with any significant bill or resolution in the fiscal year in which it is to become effective and in each of the four fiscal years following such fiscal year, together with the basis for each such estimate;

(3) a comparison of the estimates of costs described in paragraph (1) and (2) with any available estimates of costs made by such committee or by any Federal agency; and

(4) a description of each method for establishing a Federal financial commitment contained in such bill or resolution.

The estimates, comparison, and description so submitted shall be included in the report accompanying such bill or resolution if timely submitted to such committee before such report is filed.

(b) For purposes of subsection (a)(2) of this section, the term "local government" has the same meaning as in section 103 of the Intergovernmental Cooperation Act of 1968 [42 U.S.C. 4201].

(c) For purposes of subsection (a)(2) of this section, the term "significant bill or resolution" is defined as any bill or resolution which in the judgment of the Director of the Congressional Budget Office is likely to result in an annual cost to State and local governments of $200,000,000 or more, or is likely to have exceptional fiscal consequences for a geographic region or a particular level of government. (Pub. L. 93-344, Title IV, § 403, July 12, 1974, 88 Stat. 320; Pub. L. 97-108, § 2(a), Dec. 23, 1981, 95 Stat. 1510; Pub. L. 99-177, Title II, § 213, Dec. 12, 1985, 99 Stat. 1059.)

§ 654. Study by General Accounting Office of forms of Federal financial commitment not reviewed annually by Congress. 399.39-19

The General Accounting Office shall study those provisions of law which provide spending authority as described by section 651(c)(2) of this title which provide permanent appropriations, and report to the Congress its recommendations for the appropriate form of financing for activities or programs financed by such provisions not later than eighteen months after December 12, 1985. Such report shall be revised from time to time. (Pub. L. 93-344, Title IV, § 405, as added Pub. L. 99-177, Title II, § 214, Dec. 12, 1985, 99 Stat. 1059.)

§ 655. Off-budget agencies, programs, and activities. 399.39-20

(a) Notwithstanding any other provision of law, budget authority, credit authority, and estimates of outlays and receipts for activities of the Federal budget which are off-budget immediately prior to December 12, 1985, not including activities of the Federal Old-Age and Survivors Insurance and Federal Disability Insurance Trust Funds, shall be included in a budget submitted pursuant to section 1105 of Title 31, and in a concurrent resolution on the budget reported pursuant to section 632 or 635 of this title and shall be considered, for purposes of this chapter, budget authority, outlays, and spending authority in accordance with definitions set forth in this chapter.

(b) All receipts and disbursements of the Federal Financing Bank with respect to any obligations which are issued, sold or guaranteed by a Federal agency shall be treated as a means of financing such agency for purposes of section 1105 of Title 31 and for purposes of this chapter.

(Pub. L. 93-344, Title IV, § 406, as added Pub. L. 99-177, Title II, § 214, Dec. 12, 1985, 99 Stat. 1059.)

399.39-21 **§ 656. Member User Group.**

The Speaker of the House of Representatives, after consulting with the Minority Leader of the House, may appoint a Member User Group for the purpose of reviewing budgetary scorekeeping rules and practices of the House and advising the Speaker from time to time on the effect and impact of such rules and practices. (Pub. L. 93-344, Title IV, § 407, as added Pub. L. 99-177, Title II, § 214, Dec. 12, 1985, 99 Stat. 1060.)

Chapter 17B.—IMPOUNDMENT CONTROL

399.39-22 **§ 681. Disclaimer.**

Nothing contained in this Act, or in any amendments made by this Act, shall be construed as—

(1) asserting or conceding the constitutional powers or limitations of either the Congress or the President;

(2) ratifying or approving any impoundment heretofore or hereafter executed or approved by the President or any other Federal officer or employee, except insofar as pursuant to statutory authorization then in effect;

(3) affecting in any way the claims or defenses of any party to litigation concerning any impoundment; or

(4) superseding any provision of law which requires the obligation of budget authority or the making of outlays thereunder.

(Pub. L. 93-344, Title X, § 1001, July 12, 1974, 88 Stat. 332.)

399.39-23 **§ 682. Definitions.**

For purposes of sections 682 to 688 of this title—

(1) "deferral of budget authority" includes—

(A) withholding or delaying the obligation or expenditure of budget authority (whether by establishing reserves or otherwise) provided for projects or activities; or

(B) any other type of Executive action or inaction which effectively precludes the obligation or expenditure of budget authority, including authority to obligate by contract in advance of appropriations as specifically authorized by law;

(2) "Comptroller General" means the Comptroller General of the United States;

(3) "rescission bill" means a bill or joint resolution which only rescinds, in whole or in part, budget authority proposed to be rescinded in a special message transmitted by the President under section 683 of this title, and upon which the Congress completes action before the end of the first period of 45 calendar days of continuous session of the Congress after the date on which the President's message is received by the Congress;

(4) "impoundment resolution" means a resolution of the House of Representatives or the Senate which only expresses its disapproval of a proposed deferral of budget authority set forth in a special message transmitted by the President under section 684 of this title; and

(5) continuity of a session of the Congress shall be considered as broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain shall be excluded in the computation of the 45-day period referred to in paragraph (3) of this section and in section 683 of this title, and the 25-day periods referred to in sections 687 and 688(b)(1) of this title. If a special message is transmitted under section 683 of this title during any Congress and the last session of such Congress adjourns sine die before the expiration of 45 calendar days of continuous session (or a special message is so transmitted after the last session of the Congress adjourns sine die), the message shall be deemed to have been retransmitted on the first day of the succeeding Congress and the 45-day period referred to in paragraph (3) of this section and in section 683 of this title (with respect to such message) shall commence on the day after such first day.

(Pub. L. 93-344, Title X, § 1011, July 12, 1974, 88 Stat. 333.)

§ 683. Rescission of budget authority. 399.39-24

(a) Transmittal of special message.

Whenever the President determines that all or part of any budget authority will not be required to carry out the full objectives or scope of programs for which it is provided or that such budget authority should be rescinded for fiscal policy or other reasons (including the termination of authorized projects or activities for which budget authority has been provided), or whenever all or part of budget authority provided for only one fiscal year is to be reserved from obligation for such fiscal year, the President shall transmit to both Houses of Congress a special message specifying—

(1) the amount of budget authority which he proposes to be rescinded or which is to be so reserved;

(2) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved;

(3) the reasons why the budget authority should be rescinded or is to be so reserved;

(4) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the proposed rescission or of the reservation; and

(5) all facts, circumstances, and considerations relating to or bearing upon the proposed rescission or the reservation and the decision to effect the proposed rescission or the reservation, and to the maximum extent practicable, the estimated effect of the proposed rescission or the reservation upon the objects, purposes, and programs for which the budget authority is provided.

(b) Requirement to make available for obligation.

Any amount of budget authority proposed to be rescinded or that is to be reserved as set forth in such special message shall be made available for obligation unless, within the prescribed 45-day period, the Congress has completed action on a rescission bill rescinding all or part of the amount proposed to be rescinded or that is to be reserved. Funds made available under this procedure may not be proposed for rescission again.

(Pub. L. 93-344, Title X, § 1012, July 12, 1974, 88 Stat. 333; Pub. L. 100-119, Title II, § 207, Sept. 29, 1987, 101 Stat. 786.)

399.39-25 § 684. Proposed deferrals of budget authority.

(a) Transmittal of special message.

Whenever the President, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any officer or employee of the United States proposes to defer any budget authority provided for a specific purpose or project, the President shall transmit to the House of Representatives and the Senate a special message specifying—

(1) the amount of the budget authority proposed to be deferred;

(2) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific projects or governmental functions involved;

(3) the period of time during which the budget authority is proposed to be deferred;

(4) the reasons for the proposed deferral, including any legal authority invoked by him to justify the proposed deferral;

(5) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the proposed deferral; and

(6) all facts, circumstances, and considerations relating to or bearing upon the proposed deferral and the decision to effect the proposed deferral, including an analysis of such facts, circumstances, and considerations in terms of their application to any legal authority, including specific elements of legal authority, invoked to justify such proposed deferral, and to the maximum extent practicable, the estimated effect of the proposed deferral upon the objects, purposes, and programs for which the budget authority is provided.

A special message may include one or more proposed deferrals of budget authority. A deferral may not be proposed for any period of time extending beyond the end of the fiscal year in which the special message proposing the deferral is transmitted to the House and the Senate.

(b) Consistency with legislative policy.

Deferrals shall be permissible only—

(1) to provide for contingencies;

(2) to achieve savings made possible by or through changes in requirements or greater efficiency of operations; or

(3) as specifically provided by law.

No officer or employee of the United States may defer any budget authority for any other purpose.

(c) Exception.

The provisions of this section do not apply to any budget authority proposed to be rescinded or that is to be reserved as set forth in a special message required to be transmitted under section 683 of this title. (Pub. L. 93-344, Title X, § 1013, July 12, 1974, 88 Stat. 334; Pub. L. 100-119, Title II, § 206(a), Sept. 29, 1987, 101 Stat. 785.)

§ 685. Transmission of messages; publication. 399.39-26

Delivery to House and Senate

(a) Each special message transmitted under section 683 or 684 of this title shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. Each special message so transmitted shall be referred to the appropriate committee of the House of Representatives and the Senate. Each such message shall be printed as a document of each House.

Delivery to Comptroller General

(b) A copy of each special message transmitted under section 683 or 684 of this title shall be transmitted to the Comptroller General on the same day it is transmitted to the House of Representatives and the Senate. In order to assist the Congress in the exercise of its functions under sections 683 and 684 of this title, the Comptroller General shall review each such message and inform the House of Representatives and the Senate as promptly as practicable with respect to—

(1) in the case of a special message transmitted under section 683 of this title, the facts surrounding the proposed rescission or the reservation of budget authority (including the probable effects thereof); and

(2) in the case of a special message transmitted under section 684 of this title, (A) the facts surrounding each proposed deferral of budget authority (including the probable effects thereof) and (B) whether or not (or to what extent), in his judgment, such proposed deferral is in accordance with existing statutory authority.

Transmission of supplementary messages

(c) If any information contained in a special message transmitted under section 683 or 684 of this title is subsequently revised, the President shall transmit to both Houses of Congress and the Comptroller General a supplementary message stating and explaining such revision. Any such supplementary message shall be delivered, referred, and printed as provided in subsection (a) of this section. The Comptroller General shall promptly notify the House of Representatives and the Senate of any changes in the information submitted by him under subsection (b) of this section which may be necessitated by such revision.

Printing in Federal Register

(d) Any special message transmitted under section 683 or 684 of this title, and any supplementary message transmitted under subsection (c) of this section, shall be printed in the first issue of the Federal Register published after such transmittal.

Cumulative reports of proposed rescissions, reservations, and deferrals of budget authority

(e)(1) The President shall submit a report to the House of Representatives and the Senate, not later than the 10th day of each month during a fiscal year, listing all budget authority for the fiscal year with respect to which, as of the first day of such month—

(A) he has transmitted a special message under section 683 of this title with respect to a proposed rescission or a reservation; and

(B) he has transmitted a special message under section 684 of this title proposing a deferral.

Such report shall also contain, with respect to each such proposed rescission or deferral, or each such reservation, the information required to be submitted in the special message with respect thereto under section 683 or 684 of this title.

(2) Each report submitted under paragraph (1) shall be printed in the first issue of the Federal Register published after its submission. (Pub. L. 93-344, Title X, § 1014, July 12, 1974, 88 Stat. 335.)

399.39-27 § 686. Reports by Comptroller General.

Failure to transmit special message

(a) If the Comptroller General finds that the President, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any other officer or employee of the United States—

(1) is to establish a reserve or proposes to defer budget authority with respect to which the President is required to transmit a special message under section 683 or 684 of this title; or

(2) has ordered, permitted, or approved the establishment of such a reserve or a deferral of budget authority;

and that the President has failed to transmit a special message with respect to such reserve or deferral, the Comptroller General shall make a report on such reserve or deferral and any available information concerning it to both Houses of Congress. The provisions of section 682 to 688 of this title shall apply with respect to such reserve or deferral in the same manner and with the same effect as if such report of the Comptroller General were a special message transmitted by the President under section 683 or 684 of this title, and, for purposes of sections 682 to 688 of this title, such report shall be considered a special message transmitted under section 683 or 684 of this title.

Incorrect classification of special message

(b) If the President has transmitted a special message to both Houses of Congress in accordance with section 683 or 684 of this title, and the Comptroller General believes that the President so transmitted the special message in accordance with one of those sections when the special message should have been transmitted in accordance with the other of those sections, the Comptroller General shall make a report to both Houses of the Congress setting forth his reasons. (Pub. L. 93-344, Title X, § 1015, July 12, 1974, 88 Stat. 336.)

399.39-28 § 687. Suits by Comptroller General.

If, under this chapter, budget authority is required to be made available for obligation and such budget authority is not made available for obligation, the Comptroller General is hereby expressly empowered, through attorneys of his own selection, to bring a civil action in the United States District Court for the District of Columbia to require such budget authority to be made available for obligation, and such court is hereby expressly empowered to enter in such civil action, against any department, agency, officer, or employee of the United States, any decree, judgment, or order which may be necessary or appropriate to make such budget authority available for obligation. No civil action shall be brought by the Comptroller General under this section until the expiration of 25 calendar days of continuous session of the Congress following the date on which an explanatory statement by the Comptroller General of the circumstances giving rise to the action contemplated has been filed with the Speaker of the House of Representatives and the President of the Senate. (Pub. L. 93-344, Title X, § 1016, July 12, 1974, 88 Stat. 336; Pub. L. 98-620, Title IV, § 402(35), Nov. 8, 1984, 98 Stat. 3360; Pub. L. 100-119, Title II, § 207, Sept. 29, 1987, 101 Stat. 786.)

§ 688. Procedure in House of Representatives and Senate. 399.39-29

Referral

(a) Any rescission bill introduced with respect to a special message or impoundment resolution introduced with respect to a proposed deferral of budget authority shall be referred to the appropriate committee of the House of Representatives or the Senate, as the case may be.

Discharge of committee

(b)(1) If the committee to which a rescission bill or impoundment resolution has been referred has not reported it at the end of 25 calendar days of continuous session of the Congress after its introduction, it is in order to move either to discharge the committee from further consideration of the bill or resolution or to discharge the committee from further consideration of any other rescission bill with respect to the same special message or impoundment resolution with respect to the same proposed deferral, as the case may be, which has been referred to the committee.

(2) A motion to discharge may be made only by an individual favoring the bill or resolution, may be made only if supported by one-fifth of the Members of the House involved (a quorum being present), and is highly privileged in the House and privileged in the Senate (except that it may not be made after the committee has reported a bill or resolution with respect to the same special message or the same proposed deferral, as the case may be); and debate thereon shall be limited to not more than 1 hour, the time to be divided in the House equally between those favoring and those opposing the bill or resolution, and to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

Floor consideration in House

(c)(1) When the committee of the House of Representatives has reported, or has been discharged from further consideration of, a rescission bill or impoundment resolution, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the bill or resolution. The motion shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) Debate on a rescission bill or impoundment resolution shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the bill or resolution. A motion further to limit debate shall not be debatable. In the case of an impoundment resolution, no amendment to, or motion to recommit, the resolution shall be in order. It shall not be in order to move to reconsider the vote by which a rescission bill or impoundment resolution is agreed to or disagreed to.

(3) Motions to postpone, made with respect to the consideration of a rescission bill or impoundment resolution, and motions to proceed to the consideration of other business shall be decided without debate.

(4) All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to any rescission bill or impoundment resolution shall be decided without debate.

(5) Except to the extent specially provided in the preceding provisions of this subsection, consideration of any rescission bill or impoundment resolution and amendments thereto (or any conference report thereon) shall be governed by the Rules of the House of Representatives applicable to other bills and resolutions, amendments, and conference reports in similar circumstances.

Floor consideration in Senate

(d)(1) Debate in the Senate on any rescission bill or impoundment resolution, and all amendments thereto (in the case of a recission bill) and debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(2) Debate in the Senate on any amendment to a rescission bill shall be limited to 2 hours, to be equally divided between, and controlled by, the mover and the manager of the bill. Debate on any amendment to an amendment, to such a bill, and debate on any debatable motion or appeal in connection with such a bill or an impoundment resolution shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill or resolution, except that in the event the manager of the bill or resolution is in favor of any such amendment, motion, or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. No amendment that is not germane to the provisions of a rescission bill shall be received. Such leaders or either of them, may, from the time under their control on the passage of a rescission bill or impoundment resolution, allot additional time to any Senator during the consideration of any amendment, debatable motion, or appeal.

(3) A motion to further limit debate is not debatable. In the case of a rescission bill, a motion to recommit (except a motion to recommit with instructions to report back within a specified number of days, not to exceed 3, not counting any day on which the Senate is not in session) is not in order. Debate on any such motion to recommit shall be limited to one hour, to be equally divided between, and controlled by, the mover

and the manager of the concurrent resolution. In the case of an impoundment resolution, no amendment or motion to recommit is in order.

(4) The conference report on any rescission bill shall be in order in the Senate at any time after the third day (excluding Saturdays, Sundays, and legal holidays) following the day on which such a conference report is reported and is available to Members of the Senate. A motion to proceed to the consideration of the conference report may be made even though a previous motion to the same effect has been disagreed to.

(5) During the consideration in the Senate of the conference report on any rescission bill, debate shall be limited to 2 hours, to be equally divided between, and controlled by, the majority leader and minority leader or their designees. Debate on any debatable motion or appeal related to the conference report shall be limited to 30 minutes, to be equally divided between, and controlled by, the mover and the manager of the conference report.

(6) Should the conference report be defeated, debate on any request for a new conference and the appointment of conferees shall be limited to one hour, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or his designee, and should any motion be made to instruct the conferees before the conferees are named, debate on such motion shall be limited to 30 minutes, to be equally divided between, and controlled by, the mover and the manager of the conference report. Debate on any amendment to any such instructions shall be limited to 20 minutes, to be equally divided between, and controlled by, the mover and the manager of the conference report. In all cases when the manager of the conference report is in favor of any motion, appeal, or amendment, the time in opposition shall be under the control of the minority leader or his designee.

(7) In any case in which there are amendments in disagreement, time on such amendment shall be limited to 30 minutes, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or his designee. No amendment that is not germane to the provisions of such amendments shall be received. (Pub. L. 93-344, Title X, § 1017, July 12, 1974, 88 Stat. 337.)

Exercise of rulemaking powers; waivers and suspensions in the Senate. **399.39-30**

Section 904 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 note) provides that certain provisions of that Act are enacted as an exercise of the rulemaking powers of the House of Representatives and the Senate and may be amended by each House of the Congress insofar as they relate to that House; it also provides a mechanism for waiving or suspending certain provisions of the Act in the Senate.

SEC. 904. (a) The provisions of . . . titles I, III [2 U.S.C. 621 et seq.], and IV [2 U.S.C. 651 et seq.] and the provisions of sections . . . 703 and 1017 [2 U.S.C. 623, 2 U.S.C. 688] are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time,

in the same manner, and to the same extent as in the case of any other rule of such House.

(b) Any provision of title III or IV [2 U.S.C. 631—2 U.S.C. 653] may be waived or suspended in the Senate by a majority vote of the Members voting, a quorum being present, or by the unanimous consent of the Senate.

NOTE

Subsection (b) of section 271 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 note), which expires on September 30, 1993, provides the following qualification to section 904(b) of the Congressional Budget and Impoundment Control Act of 1974 (as set forth above):

(b) Sections 301(i), 302(c), 302(f), 304(b), 310(d), 310(g), and 311(a) of the Congressional Budget Act of 1974 [2 U.S.C. 632(i), 2 U.S.C. 633(f), 2 U.S.C. 635(b), 2 U.S.C. 641(d), 2 U.S.C. 641(g), and 2 U.S.C. 642(a)] may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn. This subsection shall not apply to any joint resolution reported or discharged pursuant to section 254(a) of this joint resolution (relating to special procedures in the event of a recession).

(c) APPEALS OF RULINGS.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under section 301(i), 302(c), 302(f), 304(b), 306, 310(d), 310(g), or 311(a) of the Congressional Budget Act of 1974. (2 U.S.C. 904(a)). (Pub. L. 99-177, Title II, §§271(b), 275(b)(2)(D), Dec. 12, 1985, 99 Stat. 1094, 1101; Pub. L. 100-119, Title I, § 106(c), Title II, § 211, Sept. 29, 1987, 101 Stat. 780, 786.)

(c) Sections 305(b)(2) and 306 [2 U.S.C. 636(b)(2), 2 U.S.C. 637] may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) Appeals in the Senate from the decisions of the Chair relating to any provision of title III or IV [2 U.S.C. 631—2 U.S.C. 653] or section 1017 [2 U.S.C. 688] shall, except as otherwise provided therein, be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, concurrent resolution, reconciliation bill, or rescission bill, as the case may be. (Pub. L. 93-344, Title IX, § 904, July 12, 1974, 88 Stat. 331; Pub. L. 99-177, Title II, § 271, December 12, 1985, 99 Stat. 1094.)

399.39-31 Extraneous provisions in reconciliation bills and resolutions.

Section 20001 of the Consolidated Omnibus Budget Reconciliation Act of 1985 establishes a point of order in the Senate against "extraneous" provisions in reconciliation bills and resolutions:

Sec. 20001. Miscellaneous Provisions.

(a) When the Senate is considering a reconciliation bill or a reconciliation resolution pursuant to section 310 of the Congressional Budget Act of 1974 [2 U.S.C. 641], upon a point of order being made by any Senator against material extraneous to the instructions to a committee which is contained in any title or provision of the bill or resolution or offered as an amendment to the bill or resolution, and the point of order is sustained by the Chair, any part of said title or provision that contains material extraneous to the instructions to said Committee as defined in subsection (d) shall be deemed stricken from the bill and may not be offered as an amendment from the floor. An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section, as well as to waive or suspend the provisions of this subsection.

(b) No motion to waive or suspend the requirement of section 305(b) (2) of the Congressional budget Act of 1974 [2 U.S.C. 636(b)(2)], as it relates to germaneness with respect to a reconciliation bill or resolution, shall be agreed to unless supported by an affirmative vote of three-fifths of the Members, duly chosen and sworn, which super-majority shall be required to successfully appeal the ruling of the Chair on a point of order raised under that section, as well as to waive or suspend the provisions of this subsection.

(c) This section shall become effective on the date of enactment of this title [April 7, 1986] and shall remain in effect until September 30, 1992.

(d) (1) (A) Except as provided in paragraph (2), a provision of a reconciliation bill or reconciliation resolution considered pursuant to section 310 of the Congressional Budget Act of 1974 [2 U.S.C. 641] shall be considered extraneous if such provision does not produce a change in outlays or revenues, including changes in outlays and revenues brought about by changes in the terms and conditions under which outlays are made or revenues are required to be collected; (B) any provision producing an increase in outlays or decrease in revenues shall be considered extraneous if the net effect of provisions reported by the Committee reporting the title containing the provision is that the Committee fails to achieve its reconciliation instructions; (C) a provision that is not in the jurisdiction of the Committee with jurisdiction over said title or provision shall be considered extraneous; (D) a provision shall be considered extraneous if it produces changes in outlays or revenues which are merely incidental to the non-budgetary components of the provision.

(2) A provision shall not be considered extraneous under paragraph (1)(A) if the Chairman and Ranking Minority Member of the Committee on the Budget and the Chairman and Ranking Minority Member of the Committee which reported the provision certify that: (A) the provision mitigates direct effects clearly attributable to a provision changing outlays or revenues and both provisions together produce a net reduction in the deficit; (B) the provision will result in a substantial reduction in outlays or a substantial increase in revenues during fiscal years after the fiscal years covered by the reconciliation bill or reconciliation resolution; (C) a reduction of outlays or an increase in revenues is likely to occur as a result of the provision, in the event of new regulation authorized by the provision or likely to be proposed, court rulings on pending litigation, or relationships between economic indices and stipulated statutory triggers pertaining to the provision, other than the regulations, court rulings or relationships currently projected by the Congressional Budget Office for scorekeeping purposes; (D) such provision will be likely to reduce a significant reduction in outlays or increase in revenues but, due to insufficient data, such reduction or increase cannot be reliably estimated.

(3) A provision reported by a committee shall not be considered extraneous under paragraph (1)(C) if (A) the provision is an integral part of a provision or title, which if introduced as a bill or resolution would be referred to such committee, and the provision sets forth the procedure to carry out or implement the substantive provisions that were reported and which fall within the jurisdiction of such committee; or (B) the

provision states an exception to, or a special application of, the general provision or title of which it is a part and such general provision or title if introduced as a bill or resolution would be referred to such committee. (Pub. L. 99-272, Title XX, § 20001, April 7, 1986, 100 Stat. 390; Pub. L. 99-509, Title VII, § 7006, Oct. 21, 1986, 100 Stat. 1949; Pub. L. 100-119, Title II, § 205(a), Sept. 29, 1987, 101 Stat. 784.)

Note

S. Res. 286, 99th Cong., 1st sess., as amended by S. Res. 509, 99th Cong. 2d. sess., authorizes a procedure for the disposition of extraneous material in reconciliation conference reports and in amendments between the House of Representatives and the Senate with respect to a reconciliation bill or resolution:

(a) [W]hen the Senate is considering a conference report on, or an amendment between the House in relation to, a reconciliation bill or reconciliation resolution pursuant to section 310 of the Congressional Budget Act of 1974 [2 U.S.C. 641] upon—

> (1) a point of order being made by any Senator against extraneous material meeting the definition of subsections (d)(1)(A) or (d)(1)(D) of section 20001 of the Consoldated Omnibus Budget Reconciliation Act of 1985, and
>
> (2) such point of order being sustained,

such material contained in such conference report or amendment shall be deemed stricken, and the Senate shall proceed, without intervening action or motion, to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable for 2 hours. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this resolution), no further amendment shall be in order.

(b) An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this resolution, as well as to waive or suspend the provisions of this resolution.

(c) The provisions of this resolution shall remain in effect until the date of termination of section 20001 of the Consolidated Omnibus Budget Reconciliation Act of 1985. (S. Res. 286, 99th Cong., 1st sess., December 19, 1985, 131 Cong. Rec., S 18255-S 18256; S. Res. 509, 99th Cong., 2d sess., October 16, 1986, 132 Cong. Rec., S 16416).

399.39-32 Referral of matters dealing with rescissions and deferrals.

On January 30, 1975, the Senate agreed to the following resolution, which provides for the referral of matters dealing with rescissions and deferrals:

Resolved (1) That messages received pursuant to title X of the Congressional Budget and Impoundment Control Act [2 U.S.C. 681-2 U.S.C. 688] be referred concurrently to the Appropriations Committee, to the Budget Committee, and to any other appropriate authorizing committee.

(2) That bills, resolutions, and joint resolutions introduced with respect to rescissions and deferrals shall be referred to the Appropriations Committee, the Budget Committee, and pending implementation of section 410 of the Congressional Budget Impoundment Control Act [should be section 401, 2 U.S.C. 651] and subject to section 401(d) [2 U.S.C. 651(d)], to any other committee exercising jurisdiction over contract and borrowing authority programs as defined by section 401(c)(2) (A) and (B) [2 U.S.C. 651(c)(2) (A) and (B)]. The Budget Committee and such other Committees shall report their views, if any, to the Appropriations Committee within 20 days following referral of such bills, resolutions, or joint resolutions.

The Budget Committee's consideration shall extend only to macroeconomic implications, impact on priorities and aggregate spending levels, and the legality of the President's use of the deferral and rescission mechanism under title X. The Appropriations and authorizing committees shall exercise their normal responsibilities over programs and priorities.

(3) If any Committee to which a bill or resolution has been referred recommends its passage, the Appropriations Committee shall report that bill or resolution together with its views and reports of the Budget and any appropriate authorizing committees to the Senate within:

(A) the time remaining under the Act in the case of rescissions, or

(B) within 20 days in the case of deferrals.

(4) The 20 day period referred to herein means 20 calendar days; and for the purposes of computing the 20 days, recesses or adjournments of the Senate for more than 3 days to a day certain shall not be counted; and for recesses and adjournments of more than 30 calendar days, continous duration or the sine die adjournment of a session, the 20 day period shall begin anew on the day following the reconvening of the Senate. (S. Res. 45, 94–1, Jan. 30, 1975, 121 Cong. Rec. 1917, amended by unanimous consent, Apr. 11, 1986, Cong. Rec., p. 4157, daily ed).

Joint referral of legislation affecting the budget process. 399.39–33

On August 4, 1977, the Senate agreed to an order providing that legislation affecting the congressional budget process be referred jointly to the Committee on the Budget and the Committee on Governmental Affairs and that, if one committee reports a jointly referred measure, the other must act on the measure within 30 calendar days of continuous possession or be automatically discharged from further consideration of the measure:

Legislative proposals affecting the congressional budget process to which this order applies are:

First. The functions, duties, and powers of the Budget Committee—as described in title I of the . . . [Congressional Budget and Impoundment Control Act of 1974];

Second. The functions, duties, and powers of the Congressional Budget Office—as described in title II and IV of the act [2 U.S.C. 601–603; 2 U.S.C. 651–653];

Third. The process by which Congress annually establishes the appropriate levels of budget authority, outlays, revenues, deficits or surpluses, and public debt-including subdivisions thereof. That process includes the establishment of: mandatory ceilings on spending and appropriations; a floor on revenues; timetables for congressional action on concurrent resolutions, on the reporting of authorization bills, and on the enactment of appropriation bills; and enforcement mechanisms for the limits and timetables, all as described in title III and IV of the act [2 U.S.C. 631–641; 2 U.S.C. 651–653].

Fourth. The limiting of backdoor spending devices—as described in title IV of the act [2 U.S.C. 651–653];

Fifth. The timetables for Presidential submission of appropriations and authorization requests—as described in title VI of the act [repealed, with portions being codified in sections 1105, 1109, and 1110 of title 31, United States Code];

Sixth. The definitions of what constitutes impoundment—such as "rescissions" and "deferrals," as provided in the Impoundment Control Act, title X [2 U.S.C. 681-688];

Seventh. The process and determination by which impoundments must be reported to and considered by Congress—as provided in the Impoundment Control Act, title X [2 U.S.C. 681-688];

Eighth. The mechanisms to insure Executive compliance with the provisions of the Impoundment Control Act, title X [2 U.S.C. 681-688]—such as GAO review and lawsuits; and

Ninth. The provisions which affect the content or determination of amounts included in or excluded from the congressional budget or the calculation of such amounts, including the definition of terms provided by the Budget Act—as set forth in title I thereof [2 U.S.C. 622]. (By unanimous consent, Aug. 4, 1977, Cong. Rec., p. S13553, daily ed.)

Chapter 18.—LEGISLATIVE PERSONNEL FINANCIAL DISCLOSURE REQUIREMENTS

399.40 §701. Legislative personnel financial disclosure.

399.40-1 (a) Members of Congress.

Each Member in office on May 15 of a calendar year shall file on or before May 15 of that calendar year a report containing the information as described in section 702(a) of this title.

399.40-2 (b) Officers and employees.

(1) Any individual who is an officer or employee of the legislative branch described in subsection (e) of this section during any calendar year and performs the duties of his position or office for a period in excess of sixty days in that calendar year shall file on or before May 15 of the succeeding year a report containing the information described in section 702(a) of this title if such individual is or will be such an officer or employee on such May 15.

(2) Any individual whose employment as an officer or employee described in subsection (e) of this section is terminated in any calendar year may be required—

(A) under the rules of the House of Representatives, if such individual would, but for such termination, file a report with the Clerk pursuant to section 703(a) of this title, or

(B) under the rules of the Senate, if such individual would, but for such termination, file a report with the Secretary pursuant to section 703(b) of this title,

to file a financial disclosure report covering (i) that part of such calendar year during which such individual was employed as such an officer or employee, and (ii) the preceding calendar year if the report required by paragraph (1) covering that calendar year has not been filed.

399.40-3 (c) Non-legislative personnel; temporary employment; effective date.

Within thirty days of assuming the position of an officer or employee described in subsection (e) of this section, an individual, other than an individual who was employed in the legislative branch immediately before he assumed such position, shall file a report containing the information as described in section 702(b) of this title unless the individual has left another position described in subsection (e) of this section within thirty days prior to assuming his new position. The provisions of the preceding sentence shall not apply to an individual who, as determined by the designated committee of the Senate or the designated committee of the House, as appropriate, is not reasonably expected to perform the duties of his office or position for more than sixty days in a calendar year, except that if he performs the duties of his office or position for more than sixty days in a calendar year, the report required by the preceding sentence shall be filed within fifteen days of the sixtieth day. This subsection shall take effect on January 1, 1979.

(d) Congressional candidates. 399.40-4

Within thirty days of becoming a candidate in a calendar year for any election for the office of Member, or on or before May 15 of that calendar year, which ever is later, but in no event later than seven days prior to the election, and on or before May 15 of each successive year the individual continues to be a candidate, an individual shall file a report containing the information as described in section 702(b) of this title. Notwithstanding the preceding sentence, in any calendar year in which an individual continues to be a candidate for any office but all elections for such office relating to such candidacy were held in prior calendar years, such individual need not file a report unless he becomes a candidate for another vacancy in that office or another office during that year.

(e) Covered officers and employees; legislative branch. 399.40-5

The officers and employees referred to in subsections (b) and (c) of this section are—

(1) each officer or employee of the legislative branch who is compensated at a rate equal to or in excess of the annual rate of basic pay in effect for grade GS-16 of the General Schedule; and

(2) at least one principal assistant designated for purposes of this section by each Member who does not have an employee compensated at a rate equal to or in excess of the annual rate of basic pay in effect for grade GS-16 of the General Schedule.

For the purposes of this chapter, the legislative branch includes the Architect of the Capitol, the Botanic Gardens, the Congressional Budget Office, the Cost Accounting Standards Board, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of the Attending Physician, National Commission on Air Quality, and the Office of Technology Assessment.

(f) Extensions of time to file. 399.40-6

Reasonable extensions of time for filing any report may be granted by the designated committee of the Senate with respect to those filing with the Secretary and by the designated committee of the House of Representatives with respect to those filing with the Clerk but in no event may the extension granted to a Member or candidate result in a required report being filed later than seven days prior to an election involving the Member or candidate. If the day on which a report is required to be filed falls on a weekend or holiday, the report may be filed on the next business day.

(g) Congressional candidates in 1978. 399.40-7

Notwithstanding the dates specified in subsection (d) of this section, an individual who is a candidate in calendar year 1978 shall file the report required by such subsection not later than November 1, 1978, except that a candidate for the Senate who has filed a report as of such date pursuant to the Rules of the Senate need not file the report required by subsection (d) of this section.

399.40-8 **(h) Temporary employment.**

The designated committee of the House of Representatives, or the designated committee of the Senate, as the case may be, may grant a publicly available request for a waiver of any reporting requirement under this section for an individual who is expected to perform or has performed the duties of his office or position for less than one hundred and thirty days in a calendar year, but only if such committee determines that—

(1) such individual is not a full-time employee of the Government,

(2) such individual is able to provide services specially needed by the Government,

(3) it is unlikely that the individual's outside employment or financial interests will create a conflict of interest, and

(4) public financial disclosure by such individual is not necessary in the circumstances.

(Oct. 26, 1978, Pub. L. 95-521, Title I, § 101, 92 Stat. 1824; June 13, 1979, Pub. L. 96-19, §§ 2(a)(1), (b), (c)(1), 4(b)(1), (d), (e), (f), 5, 93 Stat. 37, 38, 40.)

399.41 **§ 702. Contents of reports.**

399.41-1 **(a) Members of Congress; legislative officers and employees.**

Each report filed pursuant to subsections (a) and (b) of section 701 of this title shall include a full and complete statement with respect to the following:

(1)(A) The source, type, and amount or value of income (other than income referred to in subparagraph (B)) from any source (other than from current employment by the United States Government), and the source, date, and amount of honoraria from any source, including speeches, appearances, articles, or other publications, received during the preceding calendar year, aggregating $100 or more in value.

(B) The source and type of income which consists of dividends, interest, rent, and capital gains, received during the preceding calendar years which exceeds $100 in amount or value, and an indication of which of the following categories the amount or value of such item of income is within:

(i) not more than $1,000,
(ii) greater than $1,000 but not more than $2,500,
(iii) greater than $2,500 but not more than $5,000,
(iv) greater than $5,000 but not more than $15,000,
(v) greater than $15,000 but not more than $50,000,
(vi) greater than $50,000 but not more than $100,000, or
(vii) greater than $100,000.

(2)(A) The identity of the source and a brief description of any gifts of transportation, lodging, food, or entertainment aggregating $250 or more in value received from any source other than a relative of the reporting individual during the preceding calendar year, except that any food, lodging, or entertainment received as personal hospitality of any individual need not be reported, and any gift with a fair market value of $35 or less need not be aggregated for purposes of this subparagraph.

(B) The identity of the source, a brief description, and the value of all gifts other than transportation, lodging, food, or entertainment aggregating $100 or more in value received from any source other than a relative of the reporting individual during the preceding calendar year, except that any gift with a fair market value of $35 or less need not be aggregated for purposes of this subparagraph.

(C) The identity of the source and a brief description of reimbursements received from any source aggregating $250 or more in value and received during the preceding calendar year.

(D) In an unusual case, a gift need not be aggregated under subparagraph (A) or (B) if a publicly available request for a waiver is granted.

(3) The identity and category of value of any interest in property held during the preceding calendar year in a trade or business, or for investment or the production of income, which has a fair market value which exceeds $1,000 as of the close of the preceding calendar year, excluding any personal liability owed to the reporting individual by a relative or any deposits aggregating $5,000 or less in a personal savings account. For purposes of this paragraph, a personal savings account shall include any certificate of deposit or any other form of deposit in a bank, savings and loan association, credit union, or similar financial institution.

(4) The identity and category of value of the total liabilities owed to any creditor other than a relative which exceed $10,000 at any time during the preceding calendar year, excluding—

(A) any mortgage secured by real property which is a personal residence of the reporting individual or his spouse;

(B) any loan secured by a personal motor vehicle, household furniture, or appliances, which loan does not exceed the purchase price of the item which secures it.

With respect to revolving charge accounts, only those with an outstanding liability which exceeds $10,000 as of the close of the preceding calendar year need be reported under this paragraph.

(5) Except as provided in this paragraph, a brief description, the date, and category of value of any purchase, sale, or exchange during the preceding calendar year which exceeds $1,000—

(A) in real property, other than property used solely as a personal residence of the reporting individual or his spouse; or

(B) in stocks, bonds, commodities futures, and other forms of securities.

Reporting is not required under this paragraph of any transaction solely by and between the reporting individual, his spouse, or dependent children.

(6) The identity of all positions held on or before the date of filing during the current calendar year as an officer, director, trustee, partner, proprietor, representative, employee, or consultant of any corporation, company, firm, partnership or other business enterprise, any nonprofit organization, any labor organization, or any educational or other institution other than the United States. This paragraph shall not require the reporting of positions held in any religious,

social, fraternal, or political entity and positions solely of an honorary nature.

(7) A description of the date, parties to, and terms of any agreement or arrangement with respect to (A) future employment; (B) a leave of absence during the period of the reporting individual's Government service; (C) continuation of payments by a former employer other than the United States Government; and (D) continuing participation in an employee welfare or benefit plan maintained by a former employer.

399.41-2 **(b) Non-legislative personnel; congressional candidates.**

Each report filed pursuant to subsections (c) and (d) of section 701 of this title shall include a full and complete statement with respect to the information required by—

(1) paragraph (1) of subsection (a) of this section for the year of filing and the preceding calendar year,

(2) paragraphs (3) and (4) of subsection (a) of this section as of the date specified in the report but which is less than thirty-one days before the filing date, and

(3) paragraph (6) and, in the case of reports filed under section 701(c) of this title, paragraph (7) of subsection (a) of this section as of the filing date but for periods described in such paragraphs.

399.41-3 **(c) Categories of value; interests in real property and other items needing appraisals.**

(1) The categories for reporting the amount or value of the items covered in paragraphs (3), (4) and (5) of subsection (a) of this section are as follows:

(A) not more than $5,000;
(B) greater than $5,000 but not more than $15,000;
(C) greater than $15,000 but not more than $50,000;
(D) greater than $50,000 but not more than $100,000;
(E) greater than $100,000 but not more than $250,000; and
(F) greater than $250,000.

(2) For the purposes of paragraph (3) of subsection (a) of this section if the current value of an interest in real property (or an interest in a real estate partnership) is not ascertainable without an appraisal, an individual may list (A) the date of purchase and the purchase price of the interest in the real property, or (B) the assessed value of the real property for tax purposes, adjusted to reflect the market value of the property used for the assessment if the assessed value is computed at less than 100 percent of such market value, but such individual shall include in his report a full and complete description of the method used to determine such assessed value, instead of specifying a category of value pursuant to paragraph (1) of this subsection. If the current value of any other item required to be reported under paragraph (3) of subsection (a) of this section is not ascertainable without an appraisal, such individual may list the book value of a corporation whose stock is not publicly traded, the net worth of a business partnership, the equity value of an individually owned business, or with respect to other holdings, any recognized indication of value, but such individual shall include in his report a full and complete description of the method used in determining such value. In lieu of any value referred to in the preceding sentence, an individual may list the assessed value of the item for tax purposes, adjusted to

reflect the market value of the item used for the assessment if the assessed value is computed at less than 100 percent of such market value, but a full and complete description of the method used in determining such assessed value shall be included in the report.

(d) Information respecting spouses and dependent children. 399.41-4

(1) Except as provided in the last sentence of this paragraph, each report shall also contain information listed in paragraphs (1) through (5) of subsection (a) of this section respecting the spouse or dependent child of the reporting individual as follows:

(A) The source of items of earned income earned by a spouse from any person which exceeds $1,000 and, with respect to a spouse or dependent child, all information required to be reported in subsection (a)(1)(B) of this section with respect to income derived from any asset held by the spouse or dependent child and reported pursuant to paragraph (3). With respect to earned income, if the spouse is self-employed in business or a profession, only the nature of such business or profession need be reported.

(B) In the case of any gifts received by a spouse which are not received totally independent of the spouse's relationship to the reporting individual, the identity of the source and a brief description of gifts of transportation, lodging, food, or entertainment and a brief description and the value of other gifts.

(C) In the case of any reimbursements received by a spouse which are not received totally independent of the spouse's relationship to the reporting individual, the identity of the source and a brief description of each such reimbursement.

(D) In the case of items described in paragraphs (3) through (5), all information required to be reported under these paragraphs other than items (i) which the reporting individual certifies represent the spouse's or dependent child's sole financial interest or responsibility and which the reporting individual has no knowledge of, (ii) which are not in any way, past or present, derived from the income, assets, or activities of the reporting individual, and (iii) from which the reporting individual neither derives, nor expects to derive, any financial or economic benefit.

Each report referred to in subsection (b) of this section shall, with respect to the spouse and dependent child of the reporting individual, only contain information listed in paragraphs (1), (3), and (4) of subsection (a) of this section, as specified in this paragraph.

(2) No report shall be required with respect to a spouse living separate and apart from the reporting individual with the intention of terminating the marriage or providing for permanent separation; or with respect to any income or obligations of an individual arising from the dissolution of his marriage or the permanent separation from his spouse.

(e) Trust or other financial arrangements; qualified blind trust. 399.41-5

(1) Except as provided in paragraph (2), each reporting individual shall report the information required to be reported pursuant to subsections (a) and (b) of this section with respect to the holdings of and the income from a trust or other financial arrangement from which income is received by, or with respect to which a beneficial interest in principal or income is held by, such individual, his spouse, or any dependent child.

(2) A reporting individual need not report the holdings of or the source of income from any of the holdings of—

(A) any qualified blind trust (as defined in paragraph (3)); or

(B) a trust—

(i) which was not created directly by such individual, his spouse, or any dependent child, and

(ii) the holdings or sources of income of which such individual, his spouse, and any dependent child have no knowledge of,

but such individual shall report the category of the amount of income received by him, his spouse, or any dependent child from the trust under subsection (a)(1)(B) of this section.

(3) For purposes of this subsection, the term "qualified blind trust" includes any trust in which a reporting individual, his spouse, or any dependent child has a beneficial interest in the principal or income, and which meets the following requirements:

(A) The trustee of the trust is a financial institution, an attorney, a certified public accountant, a broker, or an investment adviser, who (in the case of a financial institution or investment company, any officer or employee involved in the management or control of the trust who)—

(i) is independent of and unassociated with any interested party so that the trustee cannot be controlled or influenced in the administration of the trust by any interested party,

(ii) is not or has not been an employee of any interested party, or any organization affiliated with any interested party and is not a partner of, or involved in any joint venture or other investment with, any interested party, and

(iii) is not a relative of any interested party.

(B) Any asset transferred to the trust by an interested party is free of any restriction with respect to its transfer or sale unless such restriction is expressly approved by the supervising ethics office of the reporting individual.

(C) The trust instrument which establishes the trust provides that—

(i) except to the extent provided in subparagraph (B) of this paragraph, the trustee in the exercise of his authority and discretion to manage and control the assets of the trust shall not consult or notify any interested party;

(ii) the trust shall not contain any asset the holding of which by an interested party is prohibited by any law or regulation;

(iii) the trustee shall promptly notify the reporting individual and his supervising ethics office when the holdings of any particular asset transferred to the trust by any interested party are disposed of or when the value of such holding is less than $1,000;

(iv) the trust tax return shall be prepared by the trustee or his designee, and such return and any information relating thereto (other than the trust income summarized in appropriate categories necessary to complete an interested party's tax return), shall not be disclosed to any interested party;

(v) an interested party shall not receive any report on the holdings and sources of income of the trust, except a report at the end of each calendar quarter with respect to the total cash value of the interest of the interested party in the trust or the net income or loss of the trust or any reports necessary to enable the interested party to complete an individual tax return required by law or to provide the information required by subsection (a)(1)(B) of this section but such report shall not identify any asset or holding;

(vi) except for communications which solely consist of requests for distributions of cash or other unspecified assets of the trust, there shall be no direct or indirect communication between the trustee and an interested party with respect to the trust unless such communication is in writing and unless it relates only (I) to the general financial interest and needs of the interested party (including, but not limited to, an interest in maximizing income or long-term capital gain), (II) to the notification of the trustee of a law or regulation subsequently applicable to the reporting individual which prohibits the interested party from holding an asset, which notification directs that the asset not be held by the trust, or (III) to directions to the trustees to sell all of an asset initially placed in the trust by an interested party which in the determination of the reporting individual creates a conflict of interest or the appearance thereof due to the subsequent assumption of duties by the reporting individual (but nothing herein shall require any such direction); and

(vii) the interested parties shall make no effort to obtain information with respect to the holdings of the trust, including obtaining a copy of any trust tax return filed or any information relating thereto except as otherwise provided in this subsection.

(D) The proposed trust instrument and the proposed trustee is approved by the reporting individual's supervising ethics office.

For purposes of this subsection "interested party" means a reporting individual, his spouse, and any dependent child if the reporting individual, his spouse, or dependent child has a beneficial interest in the principal or income of a qualified blind trust; "broker" has the meaning set forth in section 78c(a)(4) of Title 15; "investment adviser" includes any investment adviser who, as determined under regulations prescribed by the supervising ethics office, is generally involved in his role as such an adviser in the management or control of trusts; and "supervising ethics office" means the designated committee of the House of Representatives for those who file the reports required by this chapter with the Clerk and the designated committee of the Senate for those who file the reports required by this chapter with the Secretary.

(4) An asset placed in a trust by an interested party shall be considered a financial interest of the reporting individual, for the purposes of section 208 of Title 18, and any other conflict of interest statutes or regulations of the Federal Government, until such time as the reporting individual is notified by the trustee that such asset has been disposed of, or has a value of less than $1,000.

(5)(A) The reporting individual shall, within thirty days after a qualified blind trust is approved by his supervising ethics office, file with a such office a copy of—

(i) the executed trust instrument of such trust (other than those provisions which relate to the testamentary disposition of the trust assets), and

(ii) a list of the assets which were transferred to such trust, including the category of value of each asset as determined under subsection (c)(1) of this section.

This subparagraph shall not apply with respect to a trust meeting the requirements for being considered a qualified blind trust under paragraph (7) of this subsection.

(B) The reporting individual shall, within thirty days of transferring an asset (other than cash) to a previously established qualified blind trust, notify his supervising ethics office of the identity of each such asset and the category of value of each asset as determined under subsection (c)(1) of this section.

(C) Within thirty days of the dissolution of a qualified blind trust, a reporting individual shall—

(i) notify his supervising ethics office of such dissolution, and

(ii) file with such office a copy of a list of the assets of the trust at the time of such dissolution and the category of value under subsection (c) of this section of each such asset.

(D) Documents filed under subparagraphs (A), (B), and (C) of this paragraph and the lists provided by the trustee of assets placed in the trust by an interested party which have been sold shall be made available to the public in the same manner as a report is made available under section 704 of this title, and the provisions of that section shall apply with respect to such documents and lists.

(E) A copy of each written communication with respect to the trust under paragraph (3)(C)(vi) shall be filed by the person initiating the communication with the reporting individual's surpervising ethics office within five days of the date of the communication.

(6)(A) A trustee of a qualified blind trust shall not knowingly or negligently (i) disclose any information to an interested party with respect to such trust that may not be disclosed under paragraph (3) of this subsection; (ii) acquire any holding the ownership of which is prohibited by the trust instrument; (iii) solicit advice from any interested party with respect to such trust, which solicitation is prohibited by paragraph (3) of this subsection or the trust agreement; or (iv) fail to file any document required by this subsection.

(B) A reporting individual shall not knowingly or negligently (i) solicit or receive any information with respect to a qualified blind trust of which he is an interested party that may not be disclosed under paragraph (3)(C) of this subsection, or (ii) fail to file any document required by this subsection.

(C)(i) The Attorney General may bring a civil action in any appropriate United States District Court against any individual who knowingly and willfully violates the provisions of subparagraph (A) or (B) of this paragraph. The court in which such action is brought may assess against such individual a civil penalty in any amount not to exceed $5,000.

(ii) The Attorney General may bring a civil action in any appropriate United States District Court against any individual who negligently violates the provisions of subparagraph (A) or (B) of this paragraph. The court in which such action is brought may assess against such individual a civil penalty in any amount not to exceed $1,000.

(7) Any trust may be considered to be a qualified blind trust if—

"(A) the trust instrument is amended to comply with the requirements of paragraph (3) or, in the case of a trust instrument which does not by its terms permit amendment, the trustee, the reporting individual, and any other interested party agree in writing that the trust shall be administered in accordance with the requirements of this subsection and the trustee of such trust meets the requirements of paragraph (3)(A); except that in the case of any interested party who is a dependent child, a parent or guardian of such child may execute the agreement referred to in this subparagraph;

(B) a copy of the trust instrument (except testamentary provisions) and a copy of the agreement referred to in subparagraph (A), and a list of the assets held by the trust at the time of approval by the supervising ethics office, including the category of value of each asset as determined under subsection (d) of this section, are filed with such office and made available to the public as provided under paragraph (5)(D) of this subsection; and

(C) the supervising ethics office determines that approval of the trust arrangement as a qualified blind trust is in the particular case appropriate to assure compliance with applicable laws and regulations."

(f) Political campaign funds. 399.41-6

Political campaign funds, including campaign receipts and expenditures, need not be included in any report filed pursuant to this chapter.

(g) Gifts and reimbursements. 399.41-7

A report filed pursuant to subsection (a) or (b) of section 701 of this title need not contain the information described in subparagraphs (A), (B), and (C) of subsection (a)(2) of this section with respect to gifts and reimbursements received in a period when the reporting individual was not a Member or an officer or employee of the Federal Government. (Oct. 26, 1978, Pub. L. 95-521, Title I, § 102, 92 Stat. 1825; June 13, 1979, Pub. L. 96-19, §§ 3(a)(1), (b), 6(a), 7(a), (b), (c), (d)(1), (f), 9(b), (c)(1), (j), 93 Stat. 39-43; Oct. 1, 1981, Pub. L. 97-51, § 130(b), 95 Stat. 966.)

§ 703. Filing of reports. 399.42

(a) Persons filing with the Clerk. 399.42-1

The reports required by section 701 of this title of Representatives, Delegates to Congress, the Resident Commissioner from Puerto Rico, officers and employees of the House, candidates seeking election to the House, and officers and employees of the Architect of the Capitol, the Botanic Gardens, the Congressional Budget Office, the Government Printing Office, and the Library of Congress shall be filed with the Clerk.

(b) Persons filing with the Secretary. 399.42-2

The reports required by section 701 of this title of Senators, officers and employees of the Senate, candidates seeking election to the Senate, and officers and employees of the General Accounting Office, the Cost Accounting Standards Board, the Office of Technology Assessment, National Commission on Air Quality, and the Office of the Attending Physician shall be filed with the Secretary.

(c) State copies. 399.42-3

A copy of each report filed by a Member or an individual who is a candidate for the office of Member shall be sent by the Clerk or Secretary, as the case may be, to the appropriate State officer as designated in accordance with section 439(a) of this title of the State represented by the Member or in which the individual is a candidate, as the case may be, within the seven-day period beginning the day that the report is filed with the Clerk or Secretary.

399.42-4 **(d) Committee copies.**

(1) A copy of each report filed under this chapter with the Clerk shall be sent by the Clerk to the designated committee of the House of Representatives within the seven-day period beginning the day that the report is filed.

(2) A copy of each report filed with the Secretary shall be sent by the Secretary to the designated committee of the Senate.

399.42-5 **(e) Federal Election Commission assistance.**

In carrying out their responsibilities under this chapter, the Clerk and the Secretary shall avail themselves of the assistance of the Federal Election Commission. The Commission shall make available to the Clerk and the Secretary on a regular basis a complete list of names and addresses of all candidates registered with the Commission, and shall cooperate and coordinate its candidate information and notification program with the Clerk and the Secretary to the greatest extent possible.

399.42-6 **(f) Reporting forms; rules and regulations.**

In order to carry out their responsibilities under this chapter, the designated committee of the House of Representatives, and the designated committee of the Senate, shall develop reporting forms and may promulgate rules and regulations, (Oct. 26, 1978, Pub. L. 95-521, Title I, § 103, 92 Stat. 1831; June 13, 1979, Pub. L. 96-19, §§ 4(b)(2), 9(a), 93 Stat. 40, 42.)

399.43 **§ 704. Accessibility of reports.**

399.43-1 **(a) Duty of Clerk.**

Except as provided in the second sentence of this subsection, within fifteen calendar days after a report is filed with the Clerk under this chapter, the Clerk shall make such report available for public inspection at reasonable hours. With respect to reports required to be filed by May 15 of any year, such reports shall be made available for public inspection within fifteen calendar days after May 15 of such year. A copy of any such report shall be provided by the Clerk to any person upon request.

399.43-2 **(b) Duty of Secretary.**

Except as provided in the second sentence of this subsection, within fifteen days after a report is filed with the Secretary under this chapter, the Secretary shall make such report available for public inspection at reasonable hours. With respect to reports required to be filed by May 15 of any year, such reports shall be made available for public inspection within fifteen calendar days after May 15 of such year. A copy of any such report shall be provided by the Secretary to any person upon request.

399.43-3 **(c) Application for inspection of reports; copies; fees.**

(1) Notwithstanding subsections (a) and (b) of this section, a report may not be made available under this section to any person nor may any copy

thereof be provided under this section to any person except upon a written application by such person stating—

(A) that person's name, occupation, and address;

(B) the name and address of any other person or organization on whose behalf the inspection or copy is requested; and

(C) that such person is aware of the prohibitions on the obtaining or use of the report.

Any such application shall be made available to the public throughout the period during which the report is made available to the public.

(2) Any person requesting a copy of a report may be required to pay a reasonable fee to cover the cost of reproduction or mailing of such report, excluding any salary of any employee involved in such reproduction or mailing. A copy of such report may be furnished without charge or at a reduced charge if it is determined by the Clerk or Secretary that waiver or reduction of the fee is in the public interest because furnishing the information may be considered as primarily benefiting the public.

(d) Duration. 399.43-4

Any report filed under this chapter with the Clerk or Secretary shall be available to the public for a period of six years after receipt of the report. After such six-year period the report shall be destroyed unless needed in an ongoing investigation, except that in the case of an individual who filed the report pursuant to section 701(d) of this title and was not subsequently elected, such report shall be destroyed one year after the individual is no longer a candidate for election to the office of Member unless needed in an ongoing investigation.

(e) Unlawful uses; civil actions; penalty. 399.43-5

(1) It shall be unlawful for any person to obtain or use a report—

(A) for any unlawful purpose;

(B) for any commercial purpose other than by news and communications media for dissemination to the general public;

(C) for determining or establishing the credit rating of any individual; or

(D) for use, directly or indirectly, in the solicitation of money for any political, charitable, or other purpose.

(2) The Attorney General may bring a civil action against any person who obtains or uses a report for any purpose prohibited in paragraph (1). The court in which such action is brought may assess against such person a penalty in any amount not to exceed $5,000. Such remedy shall be in addition to any other remedy available under statutory or common law. (Oct. 26, 1978, Pub. L. 95-521, Title I, § 104, 92 Stat. 1832; June 13, 1979, Pub. L. 96-19, § 8(a), 93 Stat. 41.)

§ 705. Review and compliance procedures. 399.44

(a) The designated committee of the House of Representatives and the designated committee of the Senate shall establish procedures for the review of reports sent to them under section 703(d)(1) of this title and section 703(d)(2) of this title to determine whether the reports are filed in a timely manner, are complete, and are in proper form. In the event a determination is made that a report is not so filed, the appropriate committee shall so inform the reporting individual and direct him to take all necessary corrective action.

(b) In order to carry out their responsibilities under this chapter the designated committee of the House of Representatives and the designated committee of the Senate, have power, within their respective jurisdictions, to render any advisory opinion interpreting this chapter, in writing, to persons covered by this chapter. Notwithstanding any other provisions of law, the individual to whom a public advisory opinion is rendered in accordance with this subsection, and any other individual covered by this chapter who is involved in a fact situation which is indistinguishable in all material aspects, and who, after the issuance of the advisory opinion, acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of such act, be subject to any sanction provided in this chapter. (Oct. 26, 1978, Pub. L. 95-521, Title I, § 105, 92 Stat. 1833.)

399.45 § 706. Failure to file or filing false reports.

The Attorney General may bring a civil action in any appropriate United States district court against any individual who knowingly and willfully falsifies or who knowingly and willfully fails to file or report any information that such individual is required to report pursuant to section 702 of this title. The court in which such action is brought may assess against such individual a civil penalty in any amount not to exceed $5,000. No action may be brought under this section against any individual with respect to a report filed by such individual in calendar year 1978 pursuant to section 701(d) of this title. (Oct. 26, 1978, Pub. L. 95-521, Title I, § 106, 92 Stat. 1833.)

399.46 § 707. Definitions.

For the purposes of this chapter, the term—

(1) "income" means all income from whatever source derived, including but not limited to the following items: compensation for services, including fees, commissions, and similar items; gross income derived from business (and net income if the individual elects to include it); gains derived from dealings in property; interest; rents, royalties; dividends; annuities; income from life insurance and endowment contracts; pensions; income from discharge of indebtedness; distributive share of partnership income; and income from an interest in an estate or trust;

(2) "relative" means an individual who is related to the reporting individual, as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, or who is the grandfather or grandmother of the spouse of the reporting individual, and shall be deemed to include the fiance or fiancee of the reporting individual;

(3) "gift" means a payment, advance, forbearance, rendering, or deposit of money, or any thing of value, unless consideration of equal or greater value is received by the donor, but does not include—

(A) bequest and other forms of inheritance;

(B) suitable mementos of a function honoring the reporting individual;

(C) food, lodging, transportation, and entertainment provided by State and local governments, or political subdivisions thereof, by a foreign government within a foreign country, or by the United States Government;

(D) food and beverages consumed at banquets, receptions, or similar events;

(E) consumable products provided by home-State businesses to a Member's office for distribution; or

(F) communications to the officers of a reporting individual including subscriptions to newspapers and periodicals;

(4) "honoraria" has the meaning given such term in the Federal Election Campaign Act of 1971;

(5) "value" means a good faith estimate of the dollar value if the exact value is neither known nor easily obtainable by the reporting individual;

(6) "personal hospitality of any individual" means hospitality extended for a nonbusiness purpose by an individual, not a corporation or organization, at the personal residence of that individual or his family or on property or facilities owned by that individual or his family;

(7) "dependent child" means, when used with respect to any reporting individual, any individual who is a son, daughter, stepson, or stepdaughter and who—

(A) is unmarried and under age 21 and is living in the household of such reporting individual; or

(B) is a dependent of such reporting individual within the meaning of section 152 of Title 26;

(8) "reimbursement" means any payment or other thing of value received by the reporting individual, other than gifts, to cover travel-related expenses of such individual other than those which are—

(A) provided by the United States Government, the District of Columbia, or any State or political subdivision thereof;

(B) required to be reported by the reporting individual under section 7342 of Title 5; or

(C) required to be reported under section 434 of this title;

(9) "candidate" means an individual, other than a Member, who seeks nomination for election, or election, to the Congress whether or not such individual is elected, and for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, (A) if he has taken the action necessary under the law of a State to qualify himself for nomination for election, or election, or (B) if he or his principal campaign committee has taken action to register or file campaign reports required by section 434(a) of this title;

(10) "Clerk" means the Clerk of the House of Representatives;

(11) "Secretary" means the Secretary of the Senate;

(12) "Member" means a United States Senator, a Representative in Congress, a Delegate to Congress, or the Resident Commissioner from Puerto Rico;

(13) "election" means (A) a general, special, primary, or runoff election, or (B) a convention or caucus of a political party which has authority to nominate a candidate;

(14) "officer or employee of the House" means any individual other than a Member whose compensation is disbursed by the Clerk;

(15) "officer or employee of the Senate" means an individual, other than a Senator or the Vice President, whose compensation is disbursed by the Secretary; and

(16) "designated committee of the House of Representatives" and "designated committee of the Senate" means the committee of the House or Senate, as the case may be, assigned responsibility for administering the reporting requirements of this chapter.

(Oct. 26, 1978, Pub. L. 95-521, Title I, § 107, 92 Stat. 1834; June 13, 1979, Pub. L. 96-19, § 9(d), (g), 93 Stat. 42, 43.)

399.47 § 708. State laws affected.

The provisions added by this chapter, and the regulations issued thereunder, shall supersede and preempt any State or local law with respect to financial disclosure by reason of holding the office of Member or candidacy for Federal office or employment by the United States Government. (Oct. 26, 1978, Pub. L. 95-521, Title I, § 108, 92 Stat. 1835; June 13, 1979, Pub. L. 96-19, § 9(t), 93 Stat. 44.)

399.48 § 709. Study by Comptroller General.

(a) Before November 30, 1980, and regularly thereafter, the Comptroller General of the United States shall conduct a study to determine whether this chapter is being carried out effectively and whether timely and accurate reports are being filed by individuals subject to this chapter.

(b) Within thirty days after completion of the study, the Comptroller General shall transmit a report to each House of Congress containing a detailed statement of his findings and conclusions, together with his recommendations for such legislative and administrative actions as he deems appropriate. The first such study shall include the Comptroller General's findings and recommendations on the feasibility and potential need for a requirement that systematic random audits be conducted of financial disclosure reports filed under this chapter, including a thorough discussion of the type and nature of audits that might be conducted; the personnel and other costs of audits; the value of an audit to Members, the appropriate House and Senate committees, and the public; and, if conducted, whether a governmental or nongovernmental unit should perform the audits, and under whose supervision. (Oct. 26, 1978, Pub. L. 95-521, Title I, § 109, 92 Stat. 1836.)

Chapter 20—EMERGENCY POWERS TO ELIMINATE BUDGET DEFICITS

399.49 § 904. Congressional action.

(a) Special procedures in the event of a recession.

(1) In general.

The Director of the Congressional Budget Office shall notify the Congress at any time if—

(A) during the period consisting of the quarter during which such notification is given, the quarter preceding such notification, and the four quarters following such notification, such Office or the Office of

Management and Budget has determined that real economic growth is projected or estimated to be less than zero with respect to each of any two consecutive quarters within such period, or

(B) the Department of Commerce preliminary reports of actual real economic growth (or any subsequent revision thereof) indicate that the rate of real economic growth for each of the most recent reported quarter and the immediately preceding quarter is less than one percent.

Upon such notification the Majority Leader of each House shall introduce a joint resolution (in the form set forth in paragraph (2)) declaring that the conditions specified in this paragraph are met and suspending the relevant provisions of this title for the remainder of the current fiscal year or for the following fiscal year or both.

(2) Form of joint resolution.

(A) The matter after the resolving clause in any joint resolution introduced pursuant to paragraph (1) shall be as follows: "That the Congress declares that the conditions specified in section 254(a)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 904(a)(1)] are met; and—

"(1) the provisions of section 3(7) [2 U.S.C. 622(7)], 301(i) [2 U.S.C. 632(i)], 302(f) [2 U.S.C. 633(f)], 304(b) [2 U.S.C. 635(b)], and 311(a) [2 U.S.C. 642(a)] of the Congressional Budget and Impoundment Control Act of 1974, section 1106(c) of title 31, United States Code [31 U.S.C. 1106(c)], and part C of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 901–907 are suspended for the remainder of the current fiscal year and

"(2) the provisions of section 3(7) [2 U.S.C. 622(7)], 301(i) [2 U.S.C. 632(i)], 304(b) [2 U.S.C. 635(b)], and 311(a) [2 U.S.C. 642(a)] (insofar as it relates to section 3(7) [2 U.S.C. 622(7)]) of the Congressional Budget and Impoundment Control Act of 1974, sections 302(f) [2 U.S.C. 633(f)] and 311(a) [2 U.S.C. 642(a)] (except insolfar as it relates to section 3(7) [2 U.S.C. 622(7)] of that Act (but only if a concurrent resolution on the budget section 301 of that Act [2 U.S.C. 632], for the fiscal year following the current fiscal, has been agreed to prior to the introduction of this joint resolution, sections 1105(f) and 1106(c) of title 31, United States Code and part C of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 901–907] are suspended for the fiscal year following the current fiscal year.

This joint resolution shall not have the effect of suspending any final order which was issued for the current fiscal year under section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 902(b)] if such order was issued before the date of the enactment of this resolution".

(B) The title of the joint resolution shall be "Joint resolution suspending certain provisions of law pursuant to section 254(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 904(a)(2)]"; and the joint resolution shall not contain any preamble.

(3) Committee action.

Each joint resolution introduced pursuant to paragraph (1) shall be referred to the Committee on the Budget of the House involved; and such Committee shall report the joint resolution to its House without amendment on or before the fifth day on which such House is in session after the date on which the joint resolution is introduced. If the Committee fails to report the joint resolution within the five-day period referred to in the preceding sentence, it shall be automatically discharged from further consideration of the joint resolution, and the joint resolution shall be placed on the appropriate calendar.

(4) Consideration of joint resolution.

(A) A vote on final passage of a joint resolution reported to a House of the Congress or discharged pursuant to paragraph (3) shall be taken on or before the close of the fifth calendar day of session of such House after the date on which the joint resolution is reported to such House or after the Committee has been discharged from further consideration of the joint resolution. If prior to the passage by one House of a joint resolution of that House, that House receives the same joint resolution from the other House, then—

(i) the procedure in that House shall be the same as if no such joint resolution had been received from the other House, but

(ii) the vote on final passage shall be on the joint resolution of the other House.

When the joint resolution is agreed to, the Clerk of the House of Representatives (in the case of a House joint resolution agreed to in the House of Representatives) or the Secretary of the Senate (in the case of a Senate joint resolution agreed to in the Senate) shall cause the joint resolution to be engrossed, certified, and transmitted to the other House of the Congress as soon as practicable.

(B)(i) A motion in the House of Representatives to proceed to the consideration of a joint resolution under this paragraph shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(ii) Debate in the House of Representatives on a joint resolution under this paragraph shall be limited to not more than five hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to postpone, made in the House of Representatives with respect to the consideration of a joint resolution under this paragraph, and a motion to proceed to the consideration of other business, shall not be in order. A motion further to limit debate shall not be debatable. It shall not be in order to move to table or to recommit a joint resolution under this paragraph or to move to consider the vote by which the joint resolution is agreed to or disagreed to.

(iii) All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a joint resolution under this paragraph shall be decided without debate.

(iv) Except to the extent specifically provided in the preceding provisions of this subsection or in subparagraph (D), consideration of a joint resolution under ths subparagraph shall be governed by the Rules of the House of Representatives.

(C)(i) A motion in the Senate to proceed to the consideration of a joint resolution under this paragraph shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(ii) Debate in the Senate on a joint resolution under this paragraph, and all debatable motions and appeals in connection therewith, shall be limited to not more than five hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(iii) Debate in the Senate on any debatable motion or appeal in connection with a joint resolution under this paragraph shall be limited to not more than one hour, to be equally divided between, and controlled by, the mover and the manager of the joint resolution, except that in the event the manager of the joint resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee.

(iv) A motion in the Senate to further limit debate on a joint resolution under this paragraph is not debatable. A motion to table or to recommit a joint resolution under this paragraph is not in order.

(D) No amendment to a joint resolution considered under this paragraph shall be in order in either the House of Representatives or the Senate.

(b) Congressional response to Presidential order.

(1) Reporting of resolutions, and reconciliation bills and resolutions in Senate.

(A) Committee alternatives to Presidential order.

Within two days after the submission of a report by the Director of OMB under section 251(c)(2) [2 U.S.C. 901(c)(2)], each standing committee of the Senate may submit to the Committee on the Budget of the Senate information of the type described in section 310(d) of the Congressional Budget act of 1974 [2 U.S.C. 632(d)] with respect to alternatives to the order envisioned by such report insofar as such order affects laws within the jurisdiction of the committee.

(B) Initial Budget Committee action.

Not later than two days after issuance of a final order by the President under section 252(b) [2 U.S.C. 902(b)] with respect to a fiscal year, the Committee on the Budget of the Senate may report to the Senate a resolution. The resolution may affirm the impact of the order issued under such section, in whole or in part. To the extent that any part of the order is not affirmed, the resolution shall state which parts are not affirmed and shall contain instructions to committees of the Senate of the type referred to in section 310(a) of the Congressional Budget Act of 1974 [2 U.S.C. 632(a)], sufficient to achieve at least the total level of deficit reduction contained in those sections which are not affirmed.

(C) Response of committees.

Committees instructed pursuant to subparagraph (B), or affected thereby, shall submit their responses to the Budget Committee no later than 10 days after the resolution referred to in subparagraph (B) is agreed to, except that if only one such Committee is so instructed such Committee shall, by the same date, report to the Senate a reconciliation bill or reconciliation resolution containing its recommendations in response to such instructions. A committee shall be considered to have complied with all instructions to it pursuant to a resolution adopted under subparagraph (B) if it has made recommendations with respect to matters within its jurisdiction which would result in a reduction in the deficit at least equal to the total reduction directed by such instructions.

(D) Budget Committee action.

Upon receipt of the recommendations received in response to a resolution referred to in subparagraph (B), the Budget Committee shall report to the Senate a reconciliation bill or reconciliation resolution, or both, carrying out all such recommendations without any substantive revisions. In the event that a committee instructed in a resolution referred to in subparagraph (B) fails to submit any recommendation (or, when only one committee is instructed, fails to report a reconciliation bill or resolution) in response to such instructions, the Budget Committee shall include in the reconciliation bill or reconciliation resolution reported pursuant to this subparagraph legislative language within the jurisdiction of the noncomplying committee to achieve the amount of deficit reduction directed by such instructions.

(E) Point of order.

It shall not be in order in the Senate to consider any reconciliation bill or reconciliation resolution reported under subparagrah (D) with respect to a fiscal year, any amendment thereto, or any conference report thereon if—

(i) the enactment of such bill or resolution as reported;

(ii) the adoption and enactment of such amendment; or

(iii) the enactment of such bill or resolution in the form recommended in such conference report,

would cause the amount of the deficit for such fiscal year to exceed the maximum deficit amount for such fiscal year, and for fiscal year 1988 or 1989, exceed the amount of the estimated deficit for such fiscal year based on laws and regulations in effect on January 1 of the calendar year in which such fiscal year begins as measured using the budget baseline specified in section 901(a)(6) of this title minus $23,000,000,000 for fiscal year 1988 or $36,000,000,000 for fiscal year 1989; unless the report submitted under section 251(c)(1) [2 U.S.C. 901(c)(1)] projects negative real economic growth for such fiscal year, or for each of any two consecutive quarters during such fiscal year.

(F) Treatment of certain amendments.

In the Senate, an amendment which adds to a resolution reported under subparagraph (B) an instruction of the type referred to in such subparagraph shall be in order during the consideration of such resolution if such amendment would be in order but for the fact that it would be held to be non-germane on the basis that the instruction constitutes new matter.

(G) Definition.

For purposes of subparagraphs (A), (B), and (C), the term "day" shall mean any calendar day on which the Senate is in session.

(2) Procedures.

(A) In general.

Except as provided in subparagraph (B), in the Senate the provisions of sections 305 and 310 of the Congressional Budget Act of 1974 [2 U.S.C. 636, 641] for the consideration of concurrent resolutions on the budget and conference reports thereon shall also apply to the consideration of resolutions, and reconciliation bills and reconciliation resolutions reported under this paragraph and conference reports thereon.

(B) Limit on debate.

Debate in the Senate on any resolution reported pursuant to paragraph (1)(B), and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to 10 hours.

(C) Limitation on amendments.

Section 310(d)(2) of the Congressional Budget Act of 1974 [2 U.S.C. 641(d)(2)] shall apply to reconciliation bills and reconciliation resolutions reported under this subsection.

(D) Bills and resolutions received from House.

Any bill or resolution received in the Senate from the House, which is a companion to a reconciliation bill or reconciliation resolution of the Senate for the purposes of this subsection, shall be considered in the Senate pursuant to the provisions of this subsection.

(E) Definition.

For purposes of this subsection, the term "resolution" means a simple, joint, or concurrent resolution.

(c) Certain resolutions treated as reconciliation bills.

Resolutions described in subsection (b) of this section and bills reported as a result thereof shall be considered in the Senate to be reconciliation bills or resolutions for purposes of the Congressional Budget Act of 1974 (Pub. L. 99-177, Title II, § 254, Dec. 12, 1985, 99 Stat. 1078; Pub. L. 100-119, Title I, §§ 102(b)(1), 106(e)(2), Sept. 29, 1987, 101 Stat. 773, 781.)

SUBTITLE B—JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

§ 1101. Congressional findings. 399.50

The Congress makes the following findings:

(1) Senator John C. Stennis of the State of Mississippi has served his State and country with distinction for more than 60 years as a public servant, including service in the United States Senate for a period of 41 years.

(2) Senator Stennis has a distinguished record as a United States Senator, including service as the first Chairman of the Select Committee on Ethics, Chairman of the Committee on Armed Services, Chairman of the Committee on Appropriations, and President pro tempore of the Senate.

(3) Senator Stennis has long maintained a special interest in and devotion to the development of leadership and excellence in public service.

(4) There is a compelling need to encourage outstanding young people to pursue public service on a career basis and to provide public service leadership training opportunities for individuals serving in State and local governments and for individuals serving as employees of Members of Congress.

(5) It would be a fitting tribute to Senator Stennis and to his leadership, integrity, and years of devoted public service to establish in his name a center for the training and development of leadership and excellence in public service.

399.51 § 1102. Definitions.

In this subtitle:

(1) The term "Center" means the John C. Stennis Center for Public Service Training and Development established under section 1103(a).

(2) The term "Board" means the Board of Trustees of the John C. Stennis Center for Public Service Training and Development established under section 1103(b).

(3) The term "fund" means the John C. Stennis Center for Public Service Training and Development Trust Fund provided for under section 1105.

399.52 § 1103. Establishment of the John C. Stennis Center for Public Service Training and Development.

(a) Establishment.—There is established in the legislative branch of the Government a center to be known as the "John C. Stennis Center for Public Service Training and Development".

(b) Board of Trustees.—The Center shall be subject to the supervision and direction of a Board of Trustees. The Board shall be composed of seven members, as follows:

(1) Two members to be appointed by the majority leader of the Senate.

(2) One member to be appointed by the minority leader of the Senate.

(3) Two members to be appointed by the Speaker of the House of Representatives.

(4) One member to be appointed by the minority leader of the House of Representatives.

(5) The Executive Director of the Center, who shall serve as an ex-officio member of the Board.

(c) Term of Office.—The term of office of each member of the Board appointed under paragraphs (1), (2), (3), and (4) of subsection (b) shall be six years, except that—

(1) the members first appointed under paragraphs (1) and (2) shall serve, as designated by the majority leader of the Senate, one for a term of two years, one for a term of four years, and one for a term of six years;

(2) the members first appointed under paragraphs (3) and (4) shall serve, as designated by the Speaker of the House of Representatives,

one for a term of two years, one for a term of four years, and one for a term of six years; and

(3) a member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed and shall be appointed in the same manner as the original appointment for that vacancy was made.

(d) TRAVEL AND SUBSISTENCE PAY.—Members of the Board (other than the Executive Director) shall serve without pay, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties.

(e) LOCATION OF CENTER.—The Center shall be located at or near Starkville, Mississippi, the location of Mississippi State University.

§ 1104. Purposes and authority of the Center. 399.53

(a) PURPOSES OF CENTER.—The purposes of the Center shall be—

(1) to increase awareness of the importance of public service, to foster among the youth of the United States greater recognition and understanding of the role of public service in the development of the United States, and to promote public service as a career choice;

(2) to provide training and development opportunities for State and local elected government officials and employees of State and local governments in order to assist such officials and employees to become more effective and more efficient in performing their public duties and develop their potential for accepting increased public service opportunities; and

(3) to provide training and development opportunities for those employees of Members of the Congress who perform key roles in helping Members of Congress serve the people of the United States.

(b) AUTHORITY OF CENTER.—The Center is authorized, consistent with this subtitle, to develop such programs, activities, and services as it considers appropriate to carry out the purposes of this subtitle. Such authority shall include the following:

(1) The development and implementation of educational programs for secondary and post-secondary schools and colleges designed—

(A) to improve the attitude of students toward public service;

(B) to encourage students to consider public service as a career goal;

(C) to create a better understanding of the important role that people in public service have played in the growth and development of the United States; and

(D) to foster a sense of civic responsibility among the youth of the United States.

(2) The development and implementation of programs designed—

(A) to enhance skills and abilities of public service employees and elected officials at the State and local levels of government;

(B) to make such officials more productive and effective in the performance of their duties; and

(C) to help prepare such employees and officials to assume greater responsibilities in the field of public service.

(3) The development and implementation of congressional staff training programs designed to equip congressional staff personnel to perform their duties more effectively and efficiently.

(4) The development and implementation of media and telecommunications production capabilities to assist the Center in expanding the reach of its programs throughout the United States.

(5) The establishment of library and research facilities for the collection and compilation of research materials for use in carrying out the programs of the Center.

(c) PROGRAM PRIORITIES.—The Board of Trustees shall determine the priority of the programs to be carried out under this subtitle and the amount of funds to be allocated for such programs.

399.54 § 1105. John C. Stennis Center for Public Service Development Trust Fund.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a trust fund to be known as the "John C. Stennis Center for Public Service Development Trust Fund". The fund shall consist of amounts appropriated to it pursuant to section 1110 and amounts credited to it under subsection (d).

(b) INVESTMENT OF FUND ASSETS.—(1) It shall be the duty of the Secretary of the Treasury to invest in full the amounts appropriated to the fund. Such investments may be made only in interest bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired on original issue at the issue price or by purchase of outstanding obligations at the marketplace.

(2) The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act are hereby extended to authorize the issuance at par of special obligations exclusively to the fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest bearing obligations of the United States then forming a part of the public debt, except that when such average rate is not a multiple of one-eighth of one percent, the rate of interest of such special obligations shall be the multiple of one-eighth of one percent next lower than such average rate. Such special obligations shall be issued only if the Secretary determines that the purchase of other interest bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States or original issue or at the market price, is not in the public interest.

(c) AUTHORITY TO SELL OBLIGATIONS.—Any obligation acquired by the fund (except special obligations issued exclusively to the fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

(d) PROCEEDS FROM CERTAIN TRANSACTIONS CREDITED TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the fund shall be credited to and form a part of the fund.

399.55 § 1106. Expenditures and Audit of Trust Fund.

(a) IN GENERAL.—The Secretary of the Treasury is authorized to pay to the Center from the interest and earnings of the fund such sums as the Board determines are necessary and appropriate to enable the Center to carry out the provisions of this subtitle.

(b) AUDIT BY GAO.—The activities of the Center under this subtitle may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. Representatives of the General Accounting Office shall have access to all books, accounts, records, reports, and files and all other papers, things, or property belonging to or in use by the Center, pertaining to such activities and necessary to facilitate the audit.

§ 1107. Executive Director of Center. 399.56

(a) APPOINTMENT BY BOARD.—(1) There shall be an Executive Director of the Center who shall be appointed by the Board. The Executive Director shall be the chief executive officer of the Center and shall carry out the functions of the Center subject to the supervision and direction of the Board. The Executive Director shall carry out such other functions consistent with the provisions of this subtitle as the Board shall prescribe.

(2) The Executive Director shall not be eligible to serve as Chairman of the Board.

(b) COMPENSATION.—The Executive Director of the Center shall be compensated at the rate specified for employees in grade GS–18 of the General Schedule under section 5332 of title 5, United States Code.

§ 1108. Administrative provisions. 399.57

(a) IN GENERAL.—In order to carry out the provisions of this subtitle, the Center may—

(1) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this subtitle, except that in no case shall employees other than the Executive Director be compensated at a rate to exceed the maximum rate for employees in grade GS–15 of the General Schedule under section 5332 of title 5, United States Code;

(2) procure temporary and intermittent services of experts and consultants as are necessary to the extent authorized by section 3109 of title 5, United States Code, but at rates not to exceed the rate specified at the time of such service for grade GS–18 under section 5332 of such title;

(3) prescribe such regulations as it considers necessary governing the manner in which its functions shall be carried out;

(4) solicit and receive money and other property donated, bequeathed, or devised, without condition or restriction other than it be used for the purposes of the Center, and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions;

(5) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(6) enter into contracts, grants, or other arrangements, or modifications thereof, to carry out the provisions of this subtitle, and such contracts or modifications thereof may, with the concurrence of two-thirds of the members of the Board, be entered into without performance or other bonds, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5); and

(7) make other necessary expenditures.

(b) ANNUAL REPORT.—The Center shall submit to Congress an annual report of its operations under this subtitle.

399.58 **§ 1109. Authorization for appropriations.**

There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

399.59 **§ 1110. Appropriations.**

There is appropriated to the fund the sum of $7,500,000 to carry out this subtitle. (Oct. 1, 1988, Pub. L. 100-458, § 111-121, 102 Stat. 2172-2176.)

TITLE 3.—THE PRESIDENT

Chapter 1.—PRESIDENTIAL ELECTIONS AND VACANCIES

§ 1. Time of appointing electors. 400

The electors of President and Vice President shall be appointed, in each State, on the Tuesday next after the first Monday in November, in every fourth year succeeding every election of a President and Vice President. (June 25, 1948, ch. 644, § 1, 62 Stat. 672.)

§ 2. Failure to make choice on prescribed day. 401

Whenever any State has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such a manner as the legislature of such State may direct. (June 25, 1948, ch. 644, § 1, 62 Stat. 672.)

§ 3. Number of electors. 402

The number of electors shall be equal to the number of Senators and Representatives to which the several States are by law entitled at the time when the President and Vice President to be chosen come into office; except, that where no apportionment of Representatives has been made after any enumeration, at the time of choosing electors, the number of electors shall be according to the then existing apportionment of Senators and Representatives. (June 25, 1948, ch. 644, § 1, 62 Stat. 672.)

§ 4. Vacancies in electorial college. 403

Each State may, by law, provide for the filling of any vacancies which may occur in its college of electors when such college meets to give its electoral vote. (June 25, 1948, ch. 644, § 1, 62 Stat. 673.)

§ 5. Determination of controversy as to appointment of electors. 404

If any State shall have provided, by laws enacted prior to the day fixed for the appointment of the electors, for its final determination of any controversy or contest concerning the appointment of all or any of the electors of such State, by judicial or other methods or procedures, and such determination shall have been made at least six days before the time fixed for the meeting of the electors, such determination made pursuant to such law so existing on said day, and made at least six days prior to said time of meeting of the electors, shall be conclusive, and shall govern in the counting of the electoral votes as provided in the Constitution, and as hereinafter regulated, so far as the ascertainment of the electors appointed by such State is concerned. (June 25, 1948, ch. 644, § 1, 62 Stat. 673.)

§ 6. Credentials of electors; transmission to Archivist of the United States and to Congress; public inspection. 405

It shall be the duty of the executive of each State, as soon as practicable after the conclusion of the appointment of the electors in such State by the final ascertainment, under and in pursuance of the laws of such

State providing for such ascertainment, to communicate by registered mail under the seal of the State to the Archivist of the United States, a certificate of such ascertainment of the electors appointed, setting forth the names of such electors and the canvass or other ascertainment under the laws of such State of the number of votes given or cast for each person for whose appointment any and all votes have been given or cast; and it shall also thereupon be the duty of the executive of each State to deliver to the electors of such State, on or before the day on which they are required by section 7 of this title to meet, six duplicate-originals of the same certificate under the seal of the State; and if there shall have been any final determination in a State in the manner provided for by law of a controversy or contest concerning the appointment of all or any of the electors of such State, it shall be the duty of the executive of such State, as soon as practicable after such determination, to communicate under the seal of the State to the Archivist of the United States, a certificate of such determination in form and manner as the same shall have been made; and the certificate or certificates so received by the Archivist of the United States, shall be preserved by him for one year and shall be a part of the public records of his office and shall be open to public inspection; and the Archivist of the United States, at the first meeting of Congress thereafter shall transmit to the two Houses of Congress copies in full of each and every such certificate so received at the National Archives and Records Administration. (June 25, 1948, c. 644, 62 Stat. 673; Oct. 31, 1951, c. 655, § 6, 65 Stat. 711; Oct. 19, 1984, Pub. L. 98-497, Title I, § 107(e)(1), (e)(2)(A), 98 Stat. 2291.)

406 **§ 7. Meeting and vote of electors.**

The electors of President and Vice President of each State shall meet and give their votes on the first Monday after the second Wednesday in December next following their appointment at such place in each State as the legislature of such State shall direct. (June 25, 1948, ch. 644, § 1, 62 Stat. 673.)

407 **§ 8. Manner of voting.**

The electors shall vote for President and Vice President, respectively, in the manner directed by the Constitution. (June 25, 1948, ch. 644, § 1, 62 Stat. 674.)

408 **§ 9. Certificates of votes for President and Vice President.**

The electors shall make and sign six certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one of the votes for President and the other of the votes for Vice President, and shall annex to each of the certificates one of the lists of the electors which shall have been furnished to them by direction of the executive of the State. (June 25, 1948, ch. 644, § 1, 62 Stat. 674.)

409 **§ 10. Sealing and endorsing certificates.**

The electors shall seal up the certificates so made by them, and certify upon each that the lists of all the votes of such States given for President, and of all the votes given for Vice President, are contained therein. (June 25, 1948, ch. 644, § 1, 62 Stat. 674.)

§11. Disposition of certificates. 410

The electors shall dispose of the certificates so made by them and the lists attached thereto in the following manner:

First. They shall forthwith forward by registered mail one of the same to the President of the Senate at the seat of government.

Second. Two of the same shall be delivered to the secretary of state of the State, one of which shall be held subject to the order of the President of the Senate, the other to be preserved by him for one year and shall be a part of the public records of his office and shall be open to public inspection.

Third. On the day thereafter they shall forward by registered mail two of such certificates and lists to the Archivist of the United States at the seat of government, one of which shall be held subject to the order of the President of the Senate. The other shall be preserved by the Archivist of the United States for one year and shall be a part of the public records of his office and shall be open to public inspection.

Fourth. They shall forthwith cause the other of the certificates and lists to be delivered to the judge of the district in which the electors shall have assembled. (Oct. 31, 1951, ch. 655, §7, 65 Stat. 712; Oct. 19, 1984, Title I, § 107(e)(1), 98 Stat. 2291.)

§12. Failure of certificates of electors to reach President of Senate or Archivist of the United States; demand on State for certificate. 411

When no certificate of vote and list mentioned in sections 9 and 11 of this title from any State shall have been received by the President of the Senate or by the Archivist of the United States; by the fourth Wednesday in December, after the meeting of the electors shall have been held, the President of the Senate or, if he be absent from the seat of government, the Archivist of the United States; shall request, by the most expeditious method available, the secretary of state of the State to send up the certificate and list lodged with him by the electors of such State; and it shall be his duty upon receipt of such request immediately to transmit same by registered mail to the President of the Senate at the seat of government. (Oct. 31, 1951, ch. 655, §8, 65 Stat. 712; Oct. 19, 1984, Title I, § 107(e)(1), (e)(2)(B), 98 Stat. 2291.)

§13. Same; demand on district judge for certificate. 412

When no certificates of votes from any State shall have been received at the seat of government on the fourth Wednesday in December, after the meeting of the electors shall have been held, the President of the Senate or, if he be absent from the seat of government, the Archivist of the United States shall send a special messenger to the district judge in whose custody one certificate of votes from the State has been lodged, and such judge shall forthwith transmit that list by the hand of such messenger to the seat of government. (Oct. 31, 1951, ch. 655, §9, 65 Stat. 712; Oct. 19, 1984, Title I, § 107(e)(1), 98 Stat. 2291.)

§14. Forfeiture for messenger's neglect of duty. 413

Every person who, having been appointed, pursuant to section 13 of this title, to deliver the certificates of the votes of the electors to the President of the Senate, and having accepted such appointment, shall neglect to perform the services required from him, shall forfeit the sum of $1,000. (June 25, 1948, ch. 644, § 1, 62 Stat. 675.)

414 § 15. Counting electoral votes in Congress.

Congress shall be in session on the sixth day of January succeeding every meeting of the electors. The Senate and House of Representatives shall meet in the Hall of the House of Representatives at the hour of 1 o'clock in the afternoon on that day, and the President of the Senate shall be their presiding officer. Two tellers shall be previously appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted according to the rules in this subchapter provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses. Upon such reading of any such certificate or paper, the President of the Senate shall call for objections, if any.shall be signed by at least one Senator and one Member of the House of Representatives before the same shall be received. When all objections so made to any vote or paper from a State shall have been received and read, the Senate shall thereupon withdraw, and such objections shall be submitted to the Senate for its decision; and the Speaker of the House of Representatives shall, in like manner, submit such objections to the House of Representatives for its decision; and no electoral vote or votes from any State which shall have been regularly given by electors whose appointment has been lawfully certified to according to section 6 of this title from which but one return has been received shall be rejected, but the two Houses concurrently may reject the vote or votes when they agree that such vote or votes have not been so regularly given by electors whose appointment has been so certified. If more than one return or paper purporting to be a return from a State shall have been received by the President of the Senate, those votes, and those only, shall be counted which shall have been regularly given by the electors who are shown by the determination mentioned in section 5 of this title to have been appointed, if the determination in said section provided for shall have been made, or by such successors or substitutes, in case of a vacancy in the board of electors so ascertained, as have been appointed to fill such vacancy in the mode provided by the laws of the State; but in case there shall arise the question which of two or more of such State authorities determining what electors have been appointed, as mentioned in section 5 of this title, is the lawful tribunal of such State, the votes regularly given of those electors, and those only, of such State shall be counted whose title as electors the two Houses, acting separately, shall concurrently decide is supported by the decision of such State so authorized by its law; and in such case of more than one return or paper purporting to be a return from a State, if there shall have been no such determination of the question in the State aforesaid, then those votes, and those only, shall be counted which the two Houses shall concurrently decide were cast by lawful electors appointed in accordance with the laws of the State, unless the two Houses, acting separately, shall concurrently decide such votes not to be the lawful votes of the legally appointed electors of such State. But if the two Houses shall disagree in respect of the counting of such votes, then, and in that case, the votes of the electors whose appointment shall have been certified by the executive of the State, under the seal thereof, shall be counted. When the two Houses have voted, they shall immediately again meet, and the presiding officer shall then announce the decision of the question submitted. No votes or papers from any other State shall be acted upon until the objections previously made to the votes or papers from any State shall have been finally disposed of. (June 25, 1948, ch. 644, § 1, 62 Stat. 675.)

§ 16. Same; seats for officers and Members of two Houses in joint meeting. 415

At such joint meeting of the two Houses seats shall be provided as follows: For the President of the Senate, the Speaker's chair; for the Speaker, immediately upon his left; the Senators, in the body of the Hall upon the right of the presiding officer; for the Representatives, in the body of the Hall not provided for the Senators; for the tellers, Secretary of the Senate, and Clerk of the House of Representatives, at the Clerk's desk; for the other officers of the two Houses, in front of the Clerk's desk and upon each side of the Speaker's platform. Such joint meeting shall not be dissolved until the count of electoral votes shall be completed and the result declared; and no recess shall be taken unless a question shall have arisen in regard to counting any such votes, or otherwise under this subchapter, in which case it shall be competent for either House, acting separately, in the manner hereinbefore provided, to direct a recess of such House not beyond the next calendar day, Sunday excepted, at the hour of 10 o'clock in the forenoon. But if the counting of the electoral votes and the declaration of the result shall not have been completed before the fifth calendar day next after such first meeting of the two Houses, no further or other recess shall be taken by either House. (June 25, 1948, ch. 644, § 1, 62 Stat. 676.)

§ 17. Same; limit of debate in each House. 416

When the two Houses separate to decide upon an objection that may have been made to the counting of any electoral vote or votes from any State, or other question arising in the matter, each Senator and Representative may speak to such objection or question five minutes, and not more than once; but after such debate shall have lasted two hours it shall be the duty of the presiding officer of each House to put the main question without further debate. (June 25, 1948, ch. 644, § 1, 62 Stat. 676.)

§ 18. Same; parliamentary procedure at joint meeting. 417

While the two Houses shall be in meeting as provided in this chapter, the President of the Senate shall have power to preserve order; and no debate shall be allowed and no question shall be put by the presiding officer except to either House on a motion to withdraw. (Sept. 3, 1954, ch. 1263, § 3, 68 Stat. 1227.)

418 § 19. Vacancy in offices of both President and Vice President; officers eligible to act.

418.1 (a)(1) If, by reason of death, resignation, removal from office, inability, or failure to qualify, there is neither a President nor Vice President to discharge the powers and duties of the office of President, then the Speaker of the House of Representatives shall, upon his resignation as Speaker and as Representative in Congress, act as President.

(2) The same rule shall apply in the case of the death, resignation, removal from office, or inability of an individual acting as President under this subsection.

418.2 (b) If, at the time when under subsection (a) of this section a Speaker is to begin the discharge of the powers and duties of the office of President, there is no Speaker, or the Speaker fails to qualify as Acting President, then the President pro tempore of the Senate shall, upon his resignation as President pro tempore and as Senator, act as President.

(c) An individual acting as President under subsection (a) or subsection (b) of this section shall continue to act until the expiration of the then current Presidential term, except that—

(1) if his discharge of the powers and duties of the office is founded in whole or in part on the failure of both the President-elect and the Vice-President-elect to qualify, then he shall act only until a President or Vice President qualifies; and

(2) if his discharge of the powers and duties of the office is founded in whole or in part on the inability of the President or Vice President, then he shall act only until the removal of the disability of one of such individuals.

418.2 (d)(1) If, by reason of death, resignation, removal from office, inability, or failure to qualify, there is no President pro tempore to act as President under subsection (b) of this section, then the officer of the United States who is highest on the following list, and who is not under disability to discharge the powers and duties of the office of President shall act as President: Secretary of State, Secretary of the Treasury, Secretary of Defense, Attorney General, Secretary of the Interior, Secretary of Agriculture, Secretary of Commerce, Secretary of Labor, Secretary of Health and Human Services, Secretary of Housing and Urban Development, Secretary of Transportation, Secretary of Energy, Secretary of Education.

(2) An individual acting as President under this subsection shall continue to do so until the expiration of the then current Presidential term, but not after a qualified and prior-entitled individual is able to act, except that the removal of the disability of an individual higher on the list contained in paragraph (1) of this subsection or the ability to qualify on the part of an individual higher on such list shall not terminate his service.

(3) The taking of the oath of office by an individual specified in the list in paragraph (1) of this subsection shall be held to constitute his resignation from the office by virtue of the holding of which he qualifies to act as President.

418.5 (e) Subsections (a), (b), and (d) of this section shall apply only to such officers as are eligible to the office of President under the Constitution. Subsection (d) of this section shall apply only to officers appointed, by and with the advice and consent of the Senate, prior to the time of the death, resignation, removal from office, inability, or failure to qualify, of the President pro tempore, and only to officers not under impeachment by the House of Representatives at the time the powers and duties of the office of President devolve upon them.

(f) During the period that any individual acts as President under this section, his compensation shall be at the rate then provided by law in the case of the President. (June 25, 1948, ch. 644, § 1, 62 Stat. 677; Sept. 9, 1965, Pub. L. 89–174, § 6(a), 79 Stat. 669; Oct. 15, 1966, Pub. L. 89–670, § 10(a), 80 Stat. 948; Aug. 12, 1970, Pub. L. 91–375, § 6(b), 84 Stat. 775; Aug. 4, 1977, Pub. L. 95–91, Title VII, § 709(g), 91 Stat. 609; Oct. 17, 1979, Pub. L. 96–88, Title V, § 508(a), 93 Stat. 692.) 418.6

§ 20. Resignation or refusal of office. 419

The only evidence of a refusal to accept, or of a resignation of the office of President or Vice President, shall be an instrument in writing, declaring the same, and subscribed by the person refusing to accept or resigning, as the case may be, and delivered into the office of the Secretary of State. (June 25, 1948, ch. 644, § 1, 62 Stat. 678.)

§ 21. Definitions. 419.1

As used in this chapter the term—

(a) "State" includes the District of Columbia.

(b) "executives of each State" includes the Board of Commissioners of the District of Columbia.

(Oct. 4, 1961, Pub. L. 87–389, § 2(a), 75 Stat. 820.)

Chapter 2.—OFFICE AND COMPENSATION OF PRESIDENT

§ 101. Commencement of term of office. 420

The term of four years for which a President and Vice President shall be elected, shall, in all cases, commence on the 20th day of January next succeeding the day on which the votes of the electors have been given. (June 25, 1948, ch. 644, § 1, 62 Stat. 678.)

§ 104. Salary of the Vice President. 421

The per annum rate of salary of the Vice President of the United States shall be the rate determined for such position under chapter 11 of title 2, as adjusted under this section. Effective at the beginning of the first month in which an adjustment takes effect under section 5305 of title 5 in the rates of pay under the General Schedule, the salary of the Vice President shall be adjusted by an amount, rounded to the nearest multiple of $100 (or if midway between multiples of $100, to the nearest higher multiple of $100), equal to the percentage of such per annum rate which corresponds to the overall average percentage (as set forth in the report transmitted to the Congress under section 5305 of title 5) of the adjustment in such rates of pay. (June 25, 1948, c. 644, § 1, 62 Stat. 672, amended Jan. 19, 1949, c. 2, § 1(b), 63 Stat. 4; Mar. 2, 1955, c. 9, § 4(c), 69 Stat. 11; Aug. 14, 1964, Pub. L. 88–426, Title III, § 304(a), 78 Stat. 422; Sept. 15, 1969, Pub. L. 91–67, § 1, 83 Stat. 106; Aug. 9, 1975, Pub. L. 94-82, Title II, § 203, 89 Stat. 420; Sept. 10, 1982, Pub. L. 97-257, Title I, § 105(b), 96 Stat. 849.)

PAY INCREASE EFFECTIVE FOR PAY PERIOD BEGINNING ON OR AFTER OCTOBER 1, 1980

Pursuant to the authority vested in him by Pub. L. 94-82, the President, under Ex. Ord. No. 12248, Oct. 16, 1980, 45 F.R. 69199, set out as a note under section 5332 of Title 5, Government Organization and Employees, adjusted the annual rate of pay for the Vice President, effective on the first day of the first applicable pay period beginning on or after Oct. 1, 1980, to $92,400. Ex. Ord. No. 12248, further provided that pursuant to section 101(c) of Pub. L. 96-369, funds are not available to pay a salary at a rate which exceeds the rate in effect on Sept. 30, 1980, which was $79,125.00.

PAY INCREASES EFFECTIVE FOR PAY PERIOD BEGINNING ON OR AFTER OCTOBER 1, 1979

Pursuant to the authority vested in him by Pub. L. 94-82, the President, under Ex. Ord. No. 12165, Oct. 9, 1979, 44 F.R. 58671, as amended by Ex. Ord. No. 12200, Mar. 12, 1980, 45 F.R. 16443, set out as a note under section 5332 of Title 5, Government Organization and Employees, adjusted the annual rate of pay for the Vice President, effective on the first day of the first applicable pay period beginning on or after Oct. 1, 1979, to $84,700. Ex. Ord. No. 12165, further provided that on Oct. 1, 1979 the limitation in Schedule 5 of Ex. Ord. No. 12087, Oct. 7, 1978, changed and for the period Oct. 1, 1979 to the start of the first applicable pay period in fiscal 1980 the following rate of pay, $79,100, was payable and that pursuant to Pub. L. 96-86, Title I, § 101(c), Oct. 12, 1979, 93 Stat. 657, set out as a note under section 5318 of Title 5, funds appropriated for fiscal year 1980 may not be used to pay a salary at a rate which exceeds an increase of 5.5 percent over the applicable rate payable for the Executive Schedule in effect on Sept. 30, 1978, which was $79,125 for the Vice President.

PAY INCREASES EFFECTIVE FOR PAY PERIOD BEGINNING ON OR AFTER JANUARY 1, 1984

Pursuant to the authority invested in him by Pub. L. 94-82, the President under Ex. Ord. No. 12456, Dec. 30, 1983, 49 F.R. 347, set out as a note under section 5332 of Title 5, Government Organization and Employees, adjusted the annual rate of pay for the Vice President, effective on the first day of the first applicable pay period beginning on or after Jan. 1, 1984, to $94,200.

PAY INCREASE EFFECTIVE FOR PAY PERIOD BEGINNING ON OR AFTER JANUARY 1, 1987

Pursuant to the authority vested in him by Pub. L. 94-82, the President under Ex. Ord. No. 12578, Dec. 31, 1986, 52 F.R. 505, set out as a note under section 5332 of Title 5, Government Organization and Employees, adjusted the annual rate of pay for the Vice President, effective on the first day of the first applicable pay period beginning on or after Jan. 1, 1987, to $100,800.

422 § 111. Expense allowance of Vice President.

There shall be paid to the Vice President in equal monthly installments an expense allowance of $10,000 per annum to assist in defraying expenses relating to or resulting from the discharge of his official duties, for which no accounting, other than for income tax purposes, shall be made by him. (Jan. 19, 1949, § 1(c), 63 Stat. 4; Oct. 20, 1951, ch. 521, § 619(b), 65 Stat. 570.)

OFFICIAL TEMPORARY RESIDENCE OF THE VICE PRESIDENT

Pub. L. 93-346, July 12, 1974, 88 Stat. 340, as amended by Pub. L. 93-552, Title VI, § 609(a), Dec. 27, 1974, 88 Stat. 1764, provided:

"That effective July 1, 1974, the Government-owned house together with furnishings, associated grounds (consisting of twelve acres, more or less), and related facilities which have heretofore been used as the residence of the Chief of Naval Operations, Department of the Navy, shall, on and after such date be available for, and are hereby designated as, the temporary official residence of the Vice President of the United States.

"SEC. 2. The temporary official residence of the Vice President shall be adequately staffed and provided with such appropriate equipment, furnishings, dining facilities, services, and other provisions as may be required, under the supervision and direction of the Vice President, to enable him to perform and discharge appropriately the duties, functions, and obligations associated with his high office.

"SEC. 3. The Secretary of the Navy shall, subject to the supervision and control of the Vice President, provide for the military staffing and the care and maintenance of the grounds of the temporary official residence of the Vice President and, subject to reimbursement therefor out of funds appropriated for such purposes, provide for the civilian staffing, care, maintenance, repair, improvement, alteration, and furnishing of such residence.

"SEC. 4. There is hereby authorized to be appropriated such sums as may be necessary from time to time to carry out the foregoing provisions of this joint resolution. During any interim period until and before any such funds are so appropriated, the Secretary of the Navy shall make provision for staffing and other appropriate services in connection with the temporary official residence of the Vice President from funds available to the Department of the Navy, subject to reimbursement therefor from funds subsequently appropriated to carry out the purposes of this joint resolution.

"SEC. 5. After the date on which the Vice President moves into the temporary official residence provided for in this joint resolution no funds may be expended for the maintenance, care, repair, furnishing, or security of any residence for the Vice President other than the temporary official residence provided for in this joint resolution unless the expenditure of such funds is specifically authorized by law enacted after such date.

"SEC. 6. The Secretary of the Navy is authorized and directed, with the approval of the Vice President, to accept donations of money or property for the furnishing of or making improvements in or about the temporary official residence of the Vice President, all such donations to become the property of the United States and to be accounted for as such.

"SEC. 7. [Amended section 202 of this title].

"SEC. 8. [Amended section 3056(a) of title 18].

"SEC. 9. It is the sense of Congress that living accommodations, generally equivalent to those available to the highest ranking officer on active duty in each of the other military services, should be provided for the Chief of Naval Operations."

TITLE 4.—FLAG AND SEAL, SEAT OF GOVERNMENT, AND THE STATES

Chapter 4.—THE STATES

425 § 113. Residence of Members of Congress for State income tax laws.

(a) No State, or political subdivision thereof, in which a Member of Congress maintains a place of abode for purposes of attending sessions of Congress may, for purposes of any income tax (as defined in section 110(c) of this title) levied by such State or political subdivision thereof—

(1) treat such Member as a resident or domiciliary of such State or political subdivision thereof; or

(2) treat any compensation paid by the United States to such Member as income for services performed within, or from sources within, such State or political subdivision thereof,

unless such Member represents such State or a district in such State.

(b) For purposes of subsection (a)—

(1) the term "Member of Congress" includes the delegates from the District of Columbia, Guam, and the Virgin Islands, and the Resident Commissioner from Puerto Rico; and

(2) the term "State" includes the District of Columbia.

(Dec. 22, 1987, Pub. L. 100-202, § 106, 101 Stat. 1329-433.)

TITLE 5.—GOVERNMENT ORGANIZATION AND EMPLOYEES

Chapter 29.—COMMISSIONS, OATHS, RECORDS, AND REPORTS

Subchapter I.—Commissions, Oaths, and Records

§ 2905. Oath; renewal.[1] 430

(b) An individual who, on appointment, as an employee of a House of Congress, subscribed to the oath of office required by section 3331 of this title is not required to renew the oath so long as his service as an employee of that House of Congress is continuous. (Sept. 6, 1966, Pub. L. 89-554, 80 Stat. 412.)

Subchapter II.—Reports

§ 2954. Information to committees of Congress on request. 431

An Executive agency, on request of the Committee on Government Operations of the House of Representatives, or of any seven members thereof, or on request of the Committee on Government Operations of the Senate, or any five members thereof, shall submit any information requested of it relating to any matter within the jurisdiction of the committee. (Sept. 6, 1966, Pub. L. 89-554, 80 Stat. 413.)

Chapter 31.—AUTHORITY FOR EMPLOYMENT

§ 3110. Employment of relatives; restrictions. 431.1

(a) For the purpose of this section—

(1) "agency" means—

(A) an Executive agency;

(B) an office, agency, or other establishment in the legislative branch;

(C) an office, agency, or other establishment in the judicial branch; and

(D) the government of the District of Columbia;

(2) "public official" means an officer (including the President and a Member of Congress), a member of the uniformed service, and employee and any other individual, in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals, or to recommend individuals for appointment, employment, promotion, or advancement, in connection with employment in an agency; and

(3) "relative" means, with respect to a public official, an individual who is related to the public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, broth-

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[1] For text of oath to be taken by employees of the Senate and House of Representatives, see section 3331 of title 5, United States Code (not included herein).

er-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

(b) A public official may not appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement, in or to a civilian position in the agency in which he is serving or over which he exercises jurisdiction or control any individual who is a relative of the public official. An individual may not be appointed, employed, promoted, or advanced in or to a civilian position in an agency if such appointment, employment, promotion, or advancement has been advocated by a public official, serving in or exercising jurisdiction or control over the agency, who is a relative of the individual.

(c) An individual appointed, employed, promoted, or advanced in violation of this section is not entitled to pay, and money may not be paid from the Treasury as pay to an individual so appointed, employed, promoted, or advanced.

(d) The Office of Personnel Management may prescribe regulations authorizing the temporary employment, in the event of emergencies resulting from natural disasters or similar unforeseen events or circumstances, of individuals whose employment would otherwise be prohibited by this section.

(e) This section shall not be construed to prohibit the appointment of an individual who is a preference eligible in any case in which the passing over of that individual on a certificate of eligibles furnished under section 3317(a) of this title will result in the selection for appointment of an individual who is not a preference eligible. (Dec. 16, 1967, Pub. L. 90-206, § 221(a), 81 Stat. 640; Oct. 13, 1978, Pub. L. 95-454, § 906(a)(2), 92 Stat. 1224.)

Chapter 33.—EXAMINATION, SELECTION, AND PLACEMENT

Subchapter I.—Examination, Certification, and Appointment

431.5 **§ 3304. Competitive service; examinations.**

* * * * * * *

(c) Notwithstanding a contrary provision of this title or of the rules and regulations prescribed under this title for the administration of the competitive service, an individual who served—

(1) for at least 3 years in the legislative branch in a position in which he was paid by the Secretary of the Senate or the Clerk of the House of Representatives; or

(2) for at least 4 years as a secretary or law clerk, or both, to a justice or judge of the United States;

acquires a competitive status for transfer to the competitive service if he is involuntarily separated without prejudice from the legislative or judicial branch, passes a suitable noncompetitive examination, and transfers to the competitive service within 1 year of the separation from the legislative or judicial branch. For the purpose of this subsection, an individual who has served for at least 2 years in a position in the legislative branch described by paragraph (1) of this subsection and who is separated from that position to enter the armed forces is deemed to have held that position during his service in the armed forces. (Sept. 6, 1966, Pub. L. 89-554, 80 Stat. 418.)

Subchapter II.—Oath of Office

§ 3333. Employee affidavit; loyalty and striking against the Government. 432

(a) Except as provided by subsection (b) of this section, an individual who accepts office or employment in the Government of the United States or in the government of the District of Columbia shall execute an affidavit within 60 days after accepting the office or employment that his acceptance and holding of the office or employment does not or will not violate section 7311 of this title. The affidavit is prima facie evidence that the acceptance and holding of office or employment by the affiant does not or will not violate section 7311 of this title.

(b) An affidavit is not required from an individual employed by the Government of the United States or the government of the District of Columbia for less than 60 days for sudden emergency work involving the loss of human life or the destruction of property. This subsection does not relieve an individual from liability for violation of section 7311 of this title. (Sept. 6, 1966, Pub. L. 89-554, 80 Stat. 424.)

Chapter 55.—PAY ADMINISTRATION

Subchapter I.—General Provisions

§ 5503. Recess appointments.[1] 433

(a) Payment for services may not be made from the Treasury of the United States to an individual appointed during a recess of the Senate to fill a vacancy in an existing office, if the vacancy existed while the Senate was in session and was by law required to be filled by and with the advice and consent of the Senate, until the appointee has been confirmed by the Senate. This subsection does not apply—

(1) if the vacancy arose within 30 days before the end of the session of the Senate;

(2) if, at the end of the session, a nomination for the office, other than the nomination of an individual appointed during the preceding recess of the Senate, was pending before the Senate for its advice and consent; or

(3) if a nomination for the office was rejected by the Senate within 30 days before the end of the session and an individual other than the one whose nomination was rejected thereafter receives a recess appointment.

(b) A nomination to fill a vacancy referred to by paragraph (1), (2), or (3) of subsection (a) of this section shall be submitted to the Senate not later than 40 days after the beginning of the next session of the Senate. (Sept. 6, 1966, Pub. L. 89-554, 80 Stat. 475.)

§ 5533. Dual pay from more than one position; limitations; exceptions. 433.1

* * * * * * *

(c)(1) Unless otherwise authorized by law and except as otherwise provided by paragraph (2) or (4) of this subsection, appropriated funds are not available for payment to an individual of pay from more than one position if the pay of one of the positions is paid by the Secretary of the Senate or the Clerk of the House of Representatives, or one of the positions is under the Office of the Architect of the Capitol, and if the aggregate gross pay from the positions exceeds $7,724 a year ($10,540,[1] in the case of pay disbursed by the Secretary of the Senate).

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[1] For proceedings on nominations see rule XXXI of the Standing Rules of the Senate (Senate Manual section 31).

(2) Notwithstanding paragraph (1) of this subsection, appropriated funds are not available for payment to an individual of pay from more than one position, for each of which the pay is disbursed by the Clerk of the House of Representatives, if the aggregate gross pay from those positions exceeds the maximum per annum gross rate of pay authorized to be paid to an employee out of the clerk hire allowance of a Member of the House.

(3) For the purposes of this subsection, "gross pay" means the annual rate of pay (or equivalent thereof in the case of an individual paid on other than an annual basis) received by an individual.

(4) Paragraph (1) of this subsection does not apply to pay on a when-actually-employed basis received from more than one consultant or expert position if the pay is not received for the same day. (Sept. 6, 1966, Pub. L. 89-554, 80 Stat. 483; July 28, 1967, Pub. L. 90-57, § 105(h), 81 Stat. 143; Dec. 16, 1967, Pub. L. 90-206, § 214(o), 81 Stat. 637; June 12, 1968, Order of President pro tempore, Cong. Rec. Vol. 114, p. S7074 (June 12, 1968, daily ed.), pursuant to Act Dec. 16, 1967, Pub. L. 90-206, § 212, 81 Stat. 634; Oct. 26, 1970, Pub. L. 91-510, § 477, 84 Stat. 1195; Nov. 1, 1973, Pub. L. 93-145, § 101, 87 Stat. 532; Oct. 1, 1976, Pub. L. 94-440, § 103, 90 Stat. 1443.)

Chapter 57.—TRAVEL, TRANSPORTATION, AND SUBSISTENCE

433.2 § 5702. Per diem; employee traveling on official business.

(a) Under regulations prescribed under section 5707 of this title, an employee while traveling on official business away from his designated post of duty, or in the case of an individual described under section 5703 of this title, his home or regular place of business, is entitled to (1) a per diem allowance for travel inside the continental United States at a rate not to exceed $50, and (2) a per diem allowance for travel outside the continental United States, that may not exceed the rate established by the President, or his designee, for each locality where travel is to be performed. For travel consuming less than a full day, such rate may be allocated proportionately.

(b) Under regulations prescribed under section 5707 of this title, an employee who, while traveling on official business away from from his designated post of duty or, in the case of an individual described under section 5703 of this title, his home or regular place of business, becomes incapacitated by illness or injury not due to his own misconduct, is entitled to the per diem allowance and appropriate transportation expenses to his designated post of duty, or home or regular place of business, as the case may be.

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[1] Effective January 1, 1984, for individuals whose pay is disbursed by the Secretary of the Senate, the figure is "$16,416". (Dec. 20, 1983, Order of the President pro tempore, pursuant to Act Jan. 8, 1971, Pub. L. 91-656, § 4, 84 Stat. 1952.)

(c) Under regulations prescribed under section 5707 of this title, the Administrator of General Services, or his designee, may prescribe conditions under which an employee may be reimbursed for the actual and necessary expenses of official travel when the maximum per diem allowance would be less than these expenses, except that such reimbursement shall not exceed $75 for each day in a travel status within the continental United States when the per diem otherwise allowable is determined to be inadequate (1) due to the unusual circumstances of the travel assignment, or (2) for travel to high rate geographical areas designated as such in regulations prescribed under section 5707 of this title.

(d) Under regulations prescribed under section 5707 of this title, for travel outside the continental United States, the Administrator of General Services or his designee, may prescribe conditions under which an employee may be reimbursed for the actual and necessary expenses of official travel when the per diem allowance would be less than these expenses, except that such reimbursement shall not exceed $33 for each day in a travel status outside the continental United States plus the locality per diem rate prescribed for such travel.

(e) This section does not apply to a justice or judge, except to the extent provided by section 456 of title 28. (Sept. 6, 1966, Pub. L. 89-554, 80 Stat. 498; Nov. 10, 1969, Pub. L. 91-114, § 1, 83 Stat. 190; May 19, 1975, Pub. L. 94-22, § 3, 89 Stat. 84; Aug. 14, 1979, Pub. L. 96-54, § 2(a)(36), 93 Stat. 383; Sept. 10, 1980, Pub. L. 96-346, § 1, 94 Stat. 1148.)

§ 5704. Mileage and related allowances. 433.3

(a) Under regulations prescribed under section 5707 of this title, an employee who is engaged on official business for the Government is entitled to not in excess of—

(1) 20 cents a mile for the use of a privately owned motorcycle;

(2) 25 cents a mile for the use of a privately owned automobile; or

(3) 45 cents a mile for the use of a privately owned airplane;

instead of actual expenses of transporation when that mode of transportation is authorized or approved as more advantageous to the Government. A determination of such advantage is not required when payment on a mileage basis is limited to the cost of travel by common carrier including per diem. Notwithstanding the preceding provisions of this subsection, in any case in which an employee who is engaged on official business for the Government chooses to use a privately owned vehicle in lieu of a Government vehicle, payment on a mileage basis is limited to the cost of travel by a Government vehicle. Notwithstanding the preceding provisions of this subsection, in any case in which an employee who is engaged on official business for the Government chooses to use a privately owned vehicle in lieu of a Government vehicle, payment on a mileage basis is limited to the cost of travel by a Government vehicle.

(b) In addition to the mileage allowance authorized under subsection (a) of this section, the employee may be reimbursed for—

(1) parking fees;

(2) ferry fees;

(3) bridge, road, and tunnel costs; and

(4) airplane landing and tie-down fees. (Sept. 6, 1966, Pub. L. 89-554, 80 Stat. 499; May 19, 1975, Pub. L. 94-22, § 5, 89 Stat. 85; Sept. 10, 1980, Pub. L. 96-346, § 2, 94 Stat. 1148.)

433.4 **§ 5706. Allowable travel expenses.**

Except as otherwise permitted by this subchapter or by statutes relating to members of the uniformed services, only actual and necessary travel expenses may be allowed to an individual holding employment or appointment under the United States. (Sept. 6, 1966, Pub. L. 89–554, 80 Stat. 500.)

433.5 **§ 5708. Effect on other statutes.**

This subchapter does not modify or repeal—

* * * * * * *

(2) any statute providing for mileage allowances for Members of Congress;

(3) any statute fixing or permitting rates higher than the maximum rates established under this subchapter; or

(4) any appropriation statute item for examination of estimates in the field.

(Sept. 6, 1966, Pub. L. 89–554, 80 Stat. 500.)

433.6 **§ 5742. Transportation of remains, dependents, and effects; death occurring away from official station or abroad.**

(a) For the purpose of this section, "agency" means—

* * * * * * *

(3) an agency in the legislative branch; and . . . .

(b) When an employee dies, the head of the agency concerned, under the regulations prescribed by the President and, except as otherwise provided by law, may pay from appropriations available for the activity in which the employee was engaged—

(1) the expense of preparing and transporting the remains to the home or official station of the employee, or such other place appropriate for interment as is determined by the head of the agency concerned, if death occurred while the employee was in a travel status away from his official station in the United States or while performing official duties outside the United States or in transit thereto or therefrom; and

(2) the expense of transporting his dependents, including expenses of packing, crating, draying, and transporting household effects and other personal property to his former home or such other place as is determined by the head of the agency concerned, if death occurred while the employee was performing official duties outside the United States or in transit thereto or therefrom. (Sept. 6, 1966, Pub. L. 89–554, 80 Stat. 507.)

Chapter 73.—SUITABILITY, SECURITY, AND CONDUCT

Subchapter II.—Loyalty, Security, and Striking

434 **§ 7311. Loyalty and striking.**

An individual may not accept or hold a position in the Government of the United States or the government of the District of Columbia if he—

(1) advocates the overthrow of our constitutional form of government;

(2) is a member of an organization that he knows advocates the overthrow of our constitutional form of government;

(3) participates in a strike, or asserts the right to strike, against the Government of the United States or the government of the District of Columbia; or

(4) is a member of an organization of employees of the Government of the United States or of individuals employed by the government of the District of Columbia that he knows asserts the right to strike against the Government of the United States or the government of the District of Columbia.

(Sept. 6, 1966, Pub. L. 89-554, 80 Stat. 524.)

Subchapter IV.—Foreign Gifts and Decorations

§ 7342. Receipt and disposition of foreign gifts and decorations. 434.5

(a) For the purpose of this section—

(1) "employee" means—

(A) an employee as defined by section 2105 of this title and an officer or employee of the United States Postal Service or of the Postal Rate Commission;

(B) an expert or consultant who is under contract under section 3109 of this title with the United States or any agency, department, or establishment thereof, including, in the case of an organization performing services under such section, any individual involved in the performance of such services;

(C) an individual employed by, or occupying an office or position in, the government of a territory or possession of the United States or the government of the District of Columbia;

(D) a member of a uniformed service;

(E) the President and the Vice President;

(F) a Member of Congress as defined by section 2106 of this title (except the Vice President) and any Delegate to the Congress; and

(G) the spouse of an individual described in subparagraphs (A) through (F) (unless such individual and his or her spouse are separated) or a dependent (within the meaning of section 152 of the Internal Revenue Code of 1954) of such an individual, other than a spouse or dependent who is an employee under subparagraphs (A) through (F);

(2) "foreign government" means—

(A) any unit of foreign governmental authority, including any foreign national, State, local, and municipal government;

(B) any international or multinational organization whose membership is composed of any unit of foreign government described in subparagraph (A); and

(C) any agent or representative of any such unit or such organization, while acting as such;

(3) "gift" means a tangible or intangible present (other than a decoration) tendered by, or received from, a foreign government;

(4) "decoration" means an order, device, medal, badge, insignia, emblem, or award tendered by, or received from, a foreign government;

(5) "minimal value" means a retail value in the United States at the time of acceptance of $100 or less, except that—

(A) on January 1, 1981, and at 3-year intervals thereafter, "minimal value" shall be redefined in regulations prescribed by the Administrator of General Services, in consultation with the Secretary of State, to reflect changes in the consumer price index for the immediately preceding 3-year period; and

(B) regulations of an employing agency may define "minimal value" for its employees to be less than the value established under this paragraph; and

(6) "employing agency" means—

(A) the Committee on Standards of Official Conduct of the House of Representatives, for Members and employees of the House of Representatives, except that those responsibilities specified in subsections (c)(2)(A), (e)(1), and (g)(2)(B) shall be carried out by the Clerk of the House;

(B) the Select Committee on Ethics of the Senate, for Senators and employees of the Senate, except that those responsibilities (other than responsibilities involving approval of the employing agency) specified in subsections (c)(2), (d) and (g)(2)(B) shall be carried out by the Secretary of the Senate;

(C) the Administrative Office of the United States Courts, for judges and judicial branch employees; and

(D) the department, agency, office, or other entity in which an employee is employed, for other legislative branch employees and for all executive branch employees.

(b) An employee may not—

(1) request or otherwise encourage the tender of a gift or decoration; or

(2) accept a gift or decoration, other than in accordance with the provisions of subsections (c) and (d).

(c)(1) The Congress consents to—

(A) the accepting and retaining by an employee of a gift of minimal value tendered and received as a souvenir or mark of courtesy; and

(B) the accepting by an employee of a gift of more than minimal value when such gift is in the nature of an educational scholarship or medical treatment or when it appears that to refuse the gift would likely cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States, except that—

(i) a tangible gift of more than minimal value is deemed to have been accepted on behalf of the United States and, upon acceptance, shall become the property of the United States; and

(ii) an employee may accept gifts of travel or expenses for travel taking place entirely outside the United States (such as transportation, food, and lodging) of more than minimal value if such acceptance is appropriate, consistent with the interests of the United States, and permitted by the employing agency and any regulations which may be prescribed by the employing agency.

(2) Within 60 days after accepting a tangible gift of more than minimal value (other than a gift described in paragraph (1)(B)(ii)), an employee shall—

(A) deposit the gift for disposal with his or her employing agency; or

(B) subject to the approval of the employing agency, deposit the gift with that agency for official use.

Within 30 days after terminating the official use of a gift under subparagraph (B), the employing agency shall forward the gift to the Administrator of General Services in accordance with subsection (e)(1) or provide for its disposal in accordance with subsection (e)(2).

(3) When an employee deposits a gift of more than minimal value for disposal or for official use pursuant to paragraph (2), or within 30 days after accepting travel or travel expenses as provided in paragraph (1)(B)(ii) unless such travel or travel expenses are accepted in accordance with specific instructions of his or her employing agency, the employee shall file a statement with his or her employing agency or its delegate containing the information prescribed in subsection (f) for that gift.

(d) The Congress consents to the accepting, retaining, and wearing by an employee of a decoration tendered in recognition of active field service in time of combat operations or awarded for other outstanding or unusually meritorious performance, subject to the approval of the employing agency of such employee. Without this approval, the decoration is deemed to have been accepted on behalf of the United States, shall become the property of the United States, and shall be deposited by the employee, within sixty days of acceptance, with the employing agency for official use, for forwarding to the Administrator of General Services for disposal in accordance with subsection (e)(1), or for disposal in accordance with subsection (e)(2).

(e)(1) Except as provided in paragraph (2), gifts and decorations that have been deposited with an employing agency for disposal shall be (A) returned to the donor, or (B) forwarded to the Administrator of General Services for transfer, donation, or other disposal in accordance with the provisions of the Federal Property and Administrative Services Act of 1949. However, no gift or decoration that has been deposited for disposal may be sold without the approval of the Secretary of State, upon a determination that the sale will not adversely affect the foreign relations of the United States. Gifts and decorations may be sold by negotiated sale.

(2) Gifts and decorations received by a Senator or an employee of the Senate that are deposited with the Secretary of the Senate for disposal, or are deposited for an official use which has terminated, shall be disposed of by the Commission on Arts and Antiquities of the United States Senate. Any such gift or decoration may be returned by the Commission to the donor or may be transferred or donated by the Commission, subject to such terms and conditions as it may prescribe, (A) to an agency or instrumentality of (i) the United States, (ii) a State, territory, or possession of the United States, or a political subdivision of the foregoing, or (iii) the District of Columbia, or (B) to an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from taxation under section 501(a) of such Code. Any such gift or decoration not disposed of as provided in the preceding sentence shall be forwarded to the Administrator of General Services for disposal in accordance with paragraph (1). If the Administrator does not dispose of such gift or decoration within one year, he shall, at the request of the Commission, return it to the Commission and the Commission may dis-

pose of such gift or decoration in such manner as it considers proper, except that such gift or decoration may be sold only with the approval of the Secretary of State upon a determination that the sale will not adversely affect the foreign relations of the United States.

(f)(1) Not later than January 31 of each year, each employing agency or its delegate shall compile a listing of all statements filed during the preceding year by the employees of that agency pursuant to subsection (c)(3) and shall transmit such listing to the Secretary of State who shall publish a comprehensive listing of all such statements in the Federal Register.

(2) Such listings shall include for each tangible gift reported—

(A) the name and position of the employee;

(B) a brief description of the gift and the circumstances justifying acceptance;

(C) the identity, if known, of the foreign government and the name and position of the individual who presented the gift;

(D) the date of acceptance of the gift;

(E) the estimated value in the United States of the gift at the time of acceptance; and

(F) disposition or current location of the gift.

(3) Such listings shall include for each gift of travel or travel expenses—

(A) the name and position of the employee;

(B) a brief description of the gift and the circumstances justifying acceptance; and

(C) the identity, if known, of the foreign government and the name and position of the individual who presented the gift.

(4) In transmitting such listings for the Central Intelligence Agency, the Director of Central Intelligence may delete the information described in subparagraphs (A) and (C) of paragraphs (2) and (3) if the Director certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources.

(g)(1) Each employing agency shall prescribe such regulations as may be necessary to carry out the purpose of this section. For all employing agencies in the executive branch, such regulations shall be prescribed pursuant to guidance provided by the Secretary of State. These regulations shall be implemented by each employing agency for its employees.

(2) Each employing agency shall—

(A) report to the Attorney General cases in which there is reason to believe that an employee has violated this section;

(B) establish a procedure for obtaining an appraisal; when necessary, of the value of gifts; and

(C) take any other actions necessary to carry out the purpose of this section.

(h) The Attorney General may bring a civil action in any district court of the United States against any employee who knowingly solicits or accepts a gift from a foreign government not consented to by this section or who fails to deposit or report such gift as required by this section. The court in which such action is brought may assess a penalty against such employee in any amount not to exceed the retail value of the gift improperly solicited or received plus $5,000.

(i) The President shall direct all Chiefs of a United States Diplomatic Mission to inform their host governments that it is a general policy of the United States Government to prohibit United States Government employees from receiving gifts or decorations of more than minimal value.

(j) Nothing in this section shall be construed to derogate any regulation prescribed by any employing agency which provides for more stringent limitations on the receipt of gifts and decorations by its employees.

(k) The provisions of this section do not apply to grants and other forms of assistance to which section 108A of the Mutual Educational and Cultural Exchange Act of 1961 applies. (Sept. 11, 1967, Pub. L. 90-83, § 1(45)(C), 81 Stat. 208; Aug. 17, 1977, Pub. L. 95-105, § 515, 91 Stat. 862; Oct. 7, 1978, Pub. L. 95-426, § 712(a)-(c), 92 Stat. 994.)

Chapter 81.—COMPENSATION FOR WORK INJURIES

§§ 8101-8151. 434.6

NOTE.—Since it is not feasible to reproduce in the Senate Manual all the pertinent provisions of law relating to compensation for work injuries sustained by employees of the Congress, reference only is made here to those provisions. *See* sections 8101-8151 of title 5, United States Code.

Chapter 83.—RETIREMENT

§§ 8331-8348 and sections 201-208 of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983. 435

NOTE.—Since it is not feasible to reproduce in the Senate Manual all the pertinent provisions of law relating to retirement benefits of Members and employees of Congress, reference only is made here to those provisions. *See* subchapter III of chapter 83 of title 5, United States Code, and chapter 84 of such title (as added by the Federal Employees' Retirement System Act of 1986; Pub. L. 99-335, 100 Stat. 514).

Chapter 87.—LIFE INSURANCE

§§ 8701-8716. 436

NOTE.—Since it is not feasible to reproduce in the Senate Manual all the pertinent provisions of law relating to group life insurance for Members and employees of Congress, reference only is made here to those provisions. *See* sections 8701-8716 of title 5, United States Code.

Chapter 89.—HEALTH INSURANCE

§§ 8901-8913. 437

NOTE.—Since it is not feasible to reproduce in the Senate Manual all the pertinent provisions of law relating to health benefits of Members and employees of Congress, reference only is made here to those provisions. *See* sections 8901-8913 of title 5, United States Code.

APPENDIX 2

FEDERAL ADVISORY COMMITTEE ACT 438

(Oct. 6, 1972, Pub. L. 92-463, 86 Stat. 770; Sept. 13, 1976, Pub. L. 94-409, § 5(c), 90 Stat. 1247; Dec. 12, 1980, Pub. L. 96-523, § 2, 94 Stat. 3040; Dec. 21, 1982, Pub. L. 97-375, § 201(c), 96 Stat. 1822).

DEFINITIONS

SEC. 3. For the purpose of this Act—

(1) The term "Director" means the Director of the Office of Management and Budget.

(2) The term "advisory committee" means any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof (hereafter in this paragraph referred to as "committee"), which is—

(A) established by statute or reorganization plan, or

(B) established or utilized by the President, or

(C) established or utilized by one or more agencies,

in the interest of obtaining advice or recommendations for the President or one or more agencies or officers of the Federal Government, except that such term excludes (i) the Advisory Commission on Intergovernmental Relations, (ii) the Commission on Government Procurement, and (iii) any committee which is composed wholly of full-time officers or employees of the Federal Government.

(3) The term "agency" has the same meaning as in section 551(1) of title 5, United States Code.

(4) The term "Presidential advisory committee" means an advisory committee which advises the President.

APPLICABILITY

SEC. 4. (a) The provisions of this Act or of any rule, order, or regulation promulgated under this Act shall apply to each advisory committee except to the extent that any Act of Congress establishing any such advisory committee specifically provides otherwise.

(b) Nothing in this Act shall be construed to apply to any advisory committee established or utilized by—

(1) the Central Intelligence Agency; or

(2) the Federal Reserve System.

(c) Nothing in this Act shall be construed to apply to any local civic group whose primary function is that of rendering a public service with respect to a Federal program, or any State or local committee, council, board, commission, or similar group established to advise or make recommendations to State or local officials or agencies.

RESPONSIBILITIES OF CONGRESSIONAL COMMITTEES

SEC. 5. (a) In the exercise of its legislative review functions, each standing committee of the Senate and the House of Representatives shall make a continuing review of the activities of each advisory committee under its jurisdiction to determine whether such advisory committee should be abolished or merged with any other advisory committee, whether the responsibilities of such advisory committee should be revised, and whether such advisory committee performs a necessary function not already being performed. Each such standing committee shall take appropriate action to obtain the enactment of legislation necessary to carry out the purpose of this subsection.

(b) In considering legislation establishing, or authorizing the establishment of any advisory committee, each standing committee of the Senate and of the House of Representatives shall determine, and report such determination to the Senate or to the House of Representatives, as the case may be, whether the functions of the proposed advisory committee are being or could be performed by one or more agencies or by an

advisory committee already in existence, or by enlarging the mandate of an existing advisory committee. Any such legislation shall—

(1) contain a clearly defined purpose for the advisory committee;

(2) require the membership of the advisory committee to be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee;

(3) contain appropriate provisions to assure that the advice and recommendations of the advisory committee will not be inappropriately influenced by the appointing authority or by any special interest, but will instead be the result of the advisory committee's independent judgement;

(4) contain provisions dealing with authorization of appropriations, the date for submission of reports (if any), the duration of the advisory committee, and the publication of reports and other materials, to the extent that the standing committee determines the provisions of section 10 of this Act to be inadequate; and

(5) contain provisions which will assure that the advisory committee will have adequate staff (either supplied by an agency or employed by it), will be provided adequate quarters, and will have funds available to meet its other necessary expenses.

(c) To the extent they are applicable, the guidelines set out in subsection (b) of this section shall be followed by the President, agency heads, or other Federal officials in creating an advisory committee.

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ESTABLISHMENT AND PURPOSE OF ADVISORY COMMITTEES

SEC. 9. (a) No advisory committee shall be established unless such establishment is—

(1) specifically authorized by statute or by the President; or

(2) determined as a matter of formal record, by the head of the agency involved after consultation with the Director, with timely notice published in the Federal Register, to be in the public interest in connection with the performance of duties imposed on that agency by law.

(b) Unless otherwise specifically provided by statute or Presidential directive, advisory committees shall be utilized solely for advisory functions. Determinations of action to be taken and policy to be expressed with respect to matters upon which an advisory committee reports or makes recommendations shall be made solely by the President or an officer of the Federal Government.

(c) No advisory committee shall meet or take any action until an advisory committee charter has been filed with (1) the Director, in the case of Presidential advisory committees, or (2) with the head of the agency to whom any advisory committee reports and with the standing committees of the Senate and of the House of Representatives having legislative jurisdiction of such agency. Such charter shall contain the following information:

(A) the committee's official designation;

(B) the committee's objectives and the scope of its activity;

(C) the period of time necessary for the committee to carry out its purposes;

(D) the agency or official to whom the committee reports;

(E) the agency responsible for providing the necessary support for the committee;

(F) a description of the duties for which the committee is responsible, and, if such duties are not solely advisory, a specification of the authority for such functions;

(G) the estimated annual operating costs in dollars and man-years for such committee;

(H) the estimated number and frequency of committee meetings;

(I) the committee's termination date, if less than two years from the date of the committee's establishment; and

(J) the date the charter is filed.

A copy of any such charter shall also be furnished to the Library of Congress.

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(Oct. 6, 1972, Pub. L. 92-463, 86 Stat. 770.)

TITLE 7.—AGRICULTURE

Chapter 41.—AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE

§ 1704. Purposes for which foreign currencies may be used. **440**

Notwithstanding any other provision of law, the President may use or enter into agreements with foreign countries or international organizations to use the foreign currencies, including principal and interest from loan repayments which accrue in connection with sales for foreign currencies under agreements for such sales entered into prior to January 1, 1972, for one or more of the following purposes:

* * * * * * *

(b) For carrying out programs of United States Government agencies to—

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(5) Finance under the direction of the Librarian of Congress, in consultation with the National Science Foundation and other interested agencies, (A) programs outside the United States for the analysis and evaluation of foreign books, periodicals, and other materials to determine whether they would provide information of technical or scientific significance in the United States and whether such books, periodicals, and other materials are of cultural or educational significance; (B) the registry, indexing, binding, reproduction, cataloging, abstracting, translating, and dissemination of books, periodicals, and related materials determined to have such significance; and (C) the acquisition of such books, periodicals, and other materials and the deposit thereof in libraries and research centers in the United States specializing in the areas to which they relate;

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(k) For paying, to the maximum extent practicable, the costs of carrying out programs for the control of rodents, insects, weeds, and other animal or plant pests;
Provided, That—

* * * * * * *

(3) No agreement or proposal to grant any foreign currencies or to use (except pursuant to appropriation Act) any principal or interest from loan repayments under this section shall be entered into or carried out until the expiration of thirty days following the date on which such agreement or proposal is transmitted by the President to the Senate Committee on Agriculture, Nutrition, and Forestry and the Senate Committee on Foreign Relations and to the House Committee on Agriculture and the House Committee on Foreign Affairs, if transmitted while Congress is in session, or sixty days following the date of transmittal if transmitted while Congress is not in session,

(4) Any loan made under the authority of this section shall bear interest at such rate as the President may determine but not less than the cost of funds to the United States Treasury, taking into consideration the current average market yields on outstanding marketable obligations of the United States having maturity comparable to the maturity of such loans, unless the President shall in specific instances after consultation with the advisory committee established under section 1736a of this title designate a different rate:

Provided, further, That paragraphs (2), (3), and (4) of the foregoing proviso shall not apply in the case of any nation where the foreign currencies or credits owned by the United States and available for use by it in such nation are determined by the Secretary of the Treasury to be in excess of the normal requirements of the departments and agencies of the United States for expenditures in such nations for the two fiscal years following the fiscal year in which such determination is made. The amount of any such excess shall be devoted to the extent practicable and without regard to paragraph (1) of the foregoing proviso, to the acquisition of sites, buildings, and grounds under paragraph (4) of subsection (b) of this section and to assist such nation in undertaking self-help measures to increase its production of agricultural commodities and its facilities for storage and distribution of such commodities. Assistance under the foregoing provision shall be limited to self-help measures additional to those which would be undertaken without such assistance. Upon the determination by the Secretary of the Treasury that such an excess exists with respect to any nation, the President shall advise the Senate Committee on Agriculture, Nutrition and Forestry and the Senate Committee on Foreign Relations and the House Committee on Agriculture and the House Committee on Foreign Affairs of such determination; and shall thereafter report to each such committee as often as may be necessary to keep such Committee advised as to the extent of such excess, the purposes for which it is used or proposed to be used, and the effects of such use. (July 10, 1954, c. 469, Title I, § 104, 68 Stat. 456; Aug. 26, 1954, c. 937, Title V, § 544(h), (i), as added July 18, 1956, c. 627, § 11(a), 70 Stat. 564; Aug. 3, 1956, c. 933, § 2, 70 Stat. 988; Aug. 13, 1957, Pub. L. 85–128, § 1(4), 71 Stat. 345; Aug. 26, 1954, c. 937, Title V, § 544(c), as added Aug. 14, 1957, Pub. L. 85–141, § 11(b), 71 Stat. 365; June 30, 1958, Pub. L. 85–477, c. V, § 502(*l*), 72 Stat. 275; Sept. 6, 1958, Pub. L. 85–931, § 3, 72 Stat. 1790; July 24, 1959, Pub. L. 86–108, c. VII, § 701(d), 73 Stat. 258; Sept. 21, 1959, Pub. L. 86–341, Title §§ 4–9, 73 Stat. 607; Aug. 8, 1961, Pub. L. 87-128, Title II, § 201(3), 75 Stat. 306; Sept. 4, 1961, Pub. L. 87-195, Part IV, § 704, 75 Stat. 463; Oct. 18, 1962, Pub. L. 87-839, § 2, 76 Stat. 1074; Sept. 4, 1961, Pub. L. 87-195, Pt. III, § 612(b), as added Dec. 16, 1963, Pub. L. 88–265, Pt. III, § 301(d)(2), 77 Stat. 386; Oct. 8, 1964, Pub. L. 88–638, §§ 1(6)–(10), 2, 78 Stat. 1035–1038; Aug. 4, 1965, Pub. L. 89-106, § 5, 78 Stat. 432; Nov. 11, 1966, Pub. L. 89-808, § 2(B), 80 Stat. 1528; July 29, 1968, Pub. L. 90.436, §§ 2(a), 3, 6, 82 Stat. 450, 451; Nov. 30, 1970, Pub. L. 91-524, Title VII, § 702, 84 Stat. 1379; Dec. 20, 1975, Pub. L. 94-161, Title II, § 204, 89 Stat. 852; Dec. 29, 1981, Pub. L. 97-113, Title IV, § 401(5), 95 Stat. 1537.)

§ 1711. Assistance to most seriously affected countries; poverty criterion; report to Congress. 440.5

Not more than 25 per centum of the food aid commodities provided under this subchapter in each fiscal year shall be allocated and agreed to be delivered to countries other than those which meet the poverty criterion established for International Development Association financing and which are affected by inability to secure sufficient food for their immediate requirements through their own production of commercial purchase from abroad, unless the President certifies to the Congress that (1) the use of such food assistance is required for humanitarian food purposes, or (2) the quantity of commodities which would be required to be allocated under this section to countries which meet the International Development Association poverty criterion could not be used effectively to carry out the humanitarian or development purposes of this subchapter. A reduction below 75 per centum in the proportion of food aid allocated and agreed to be delivered to countries which meet the International Development Association poverty criterion and which are affected by inability to secure sufficient food for their immediate requirements through their own production or commercial purchase from abroad which results from significantly changed circumstances occurring after the initial allocation shall not constitute a violation of the requirements of this section. Any reallocation of food aid shall be in accordance with this section so far as practicable. The President shall report promptly any such reduction, and the reasons therefore, to the Congress. (July 10, 1954, c. 469, Title I, § 111, as added Dec. 20, 1975, Pub. L. 94-161, Title II, § 207, 89 Stat. 853, and amended Aug. 3, 1977, Pub. L. 95-88, Title II, § 202, 91 Stat. 545.)

§ 1712. Human rights. 440.6

(a) No agreement may be entered into under this subchapter to finance the sale of agricultural commodities to the government of any country which engages in a consistent pattern of gross violations of internationally recognized human rights, including torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges, causing the disappearance of persons by the abduction and clandestine detention of those persons, or other flagrant denial of the right to life, liberty, and the security of person, unless such agreement will directly benefit the needy people in such country. An agreement will not directly benefit the needy people in the country for purposes of the preceding sentence unless either the commodities themselves or the proceeds from their sale will be used for specific projects or programs which the President determines would directly benefit the needy people of that country. The agreement shall specify how the projects or programs will be used to benefit the needy people and shall require a report to the President on such use within 6 months after the commodities are delivered to the recipient country.

(b) To assist in determining whether the requirements of subsection (a) of this section are being met, the Committee on Agriculture, Nutrition, and Forestry of the Senate or the Committee on Foreign Affairs of the House of Representatives may require the President to submit in writing information demonstrating that an agreement will directly benefit the needy people in a country.

(c) In determining whether or not a government falls within the provisions of subsection (a) of this section, consideration shall be given to the extent of cooperation of such government in permitting an unimpeded investigation of alleged violations of internationally recognized human rights by appropriate international organizations, including the International Committee of the Red Cross, or groups or persons acting under the authority of the United Nations or of the Organization of American States.

(d) The President shall transmit to the Speaker of the House of Representatives, the President of the Senate, and the Committee on Agriculture, Nutrition, and Forestry of the Senate, in the annual presentation materials on planned programing of assistance under this chapter, a full and complete report regarding the steps he has taken to carry out the provisions of this section. (July 10, 1954, c. 469, Title I, § 112, as added Aug. 3, 1977, Pub. L. 95-88, Title II, § 203, 91 Stat. 545; Dec. 16, 1980, Pub. L. 96-533, Title VII, § 701(c), 94 Stat. 3156.)

440.7 § 1715. Sales procedure.

(a) No purchases of food commodities from private stocks shall be financed under this subchapter unless they are made on the basis of an invitation for bid publicly advertised in the United States and on the basis of bid offerings which shall conform to such invitation and shall be received and publicly opened in the United States. All awards in the purchase of commodities financed under this subchapter shall be consistent with open, competitive, and responsive bid procedures, as determined by the Secretary of Agriculture. Commissions, fees, or other payments to any selling agent shall—unless waived by the Secretary—be prohibited in any purchase of food commodities financed under this subchapter.

(b) Notwithstanding any other provision of law, any commission, fee, or other compensation of any kind paid or to be paid by any supplier of a commodity or ocean transportation financed by the Commodity Credit Corporation under this subchapter, to any agents, brokers, or other representatives of the importer or importing country, including a corporation owned or controlled by the importer or the government of the importing country, shall be reported to the Secretary of Agriculture by the supplier of the commodity or ocean transportation. The report shall identify the person or entity to whom the payment is made and the transaction in connection with which the payment is made. The Secretary shall maintain such information for public inspection, publish a report thereof annually, and forward a copy of the report to the Committee on Agriculture and the Committee on Foreign Affairs of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate. Any supplier of a commodity or ocean transportation who fails to file such a report or who files a false report shall be ineligible to furnish—directly or indirectly—commodities or ocean transportation financed under this subchapter for a period of five years. (Sept. 29, 1977, Pub. L. 95-113, Title XII, § 1202, 91 Stat. 955; Dec. 22, 1981, Pub. L. 97-98, Title XII, § 1211, 95 Stat. 1281.)

§ 1736a. Advisory Committee; establishment; composition; general policies' survey; advisement of President; meetings; order of precedence. 440.8

There is hereby established an Advisory Committee composed of the Secretary of State, the Secretary of the Treasury, the Secretary of Agriculture, the Director of the Office of Management and Budget, the Director of the United States International Development Cooperation Agency, the chairman and the ranking minority member of both the House Committee on Agriculture and the House Committee on Foreign Affairs, and the chairman and the ranking minority member of both the Senate Committee on Agriculture, Nutrition, and Forestry and the Senate Committee on Foreign Relations, or their designees (who shall be members of such committees or, in the case of members from the executive branch, who shall have been confirmed by the Senate). The Advisory Committee shall survey the general policies relating to the administration of this chapter, including the manner of implementing the self-help provisions, the uses to be made of foreign currencies which accrue in connection with sales for foreign currencies under subchapter II of this chapter, the amount of currencies to be reserved in sales agreements for loans to private industry under section 1704(e) of this title, rates of exchange, interest rates, and the terms under which dollar credit sales are made, and shall advise the President with respect thereto. The Advisory Committee shall meet not less than four times during each calendar year at the call of the Acting Chairman of such Committee who shall preside in the following order: The chairman of the House Committee on Agriculture, the chairman of the Senate Committee on Foreign Relations, the chairman of the Senate Committee on Agriculture, Nutrition, and Forestry, and the chairman of the House Committee on Foreign Affairs. (July 10, 1954, c. 469, Title IV, § 407, as added Nov. 11, 1966, Pub. L. 89-808, § 2(E), 80 Stat. 1537, and amended July 29, 1968, Pub. L. 90-436, § 8, 82 Stat. 451; 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085; Dec. 20, 1975, Pub. L. 94-161, Title II, § 210, 89 Stat. 854; 1979 Reorg. Plan No. 2, § 5, 6(a)(2), 44 F.R. 41165, 93 Stat. 1378.)

§ 1736b. Reports to Congress; revised regulations governing operations; bagged commodities. 440.9

(a) The President shall make a report to Congress not later than February 15 each year with respect to the activities carried out under this chapter during the preceding fiscal year. Such report shall describe the progress of each country with which agreements are in effect under subchapter II of this chapter in carrying out its agreements under such subchapter.

(b) Not later than September 30 of each year, the President shall submit to the Congress a report containing a global assessment of food production and needs and setting forth planned programing of food assistance under subchapters II and III of this chapter for the coming fiscal year. Not later than December 31 and June 30 of each year, the President shall submit a report to the Congress showing the current status of planned programing of food assistance under subchapters II and III of this chapter for the current fiscal year.

(c) Beginning October 1, 1978, and at each five-year interval thereafter, the President shall submit to the Congress a comparative cross-country evaluation of programs conducted under subchapters III and III-A of this chapter. Such evaluations shall cover no fewer than five countries sampled from the developing regions (Asia, Africa, Latin America, and the Caribbean), and shall assess the nutritional and other impacts, achievements, problems, and future prospects for programs under subchapters III and III-A of this chapter.

(d)(1) Not later than six months following September 29, 1977, and at each two-year interval thereafter, the Secretary of Agriculture shall issue revised regulations governing all operations under subchapter II of this chapter, including operations relating to purchasing countries, suppliers of commodities or ships, and purchasing or shipping agents. The regulations shall include, but not be limited to, prohibitions against conflicts of interest, as determined by the Secretary, between (A) recipient countries (or other purchasing entities) and their agents, (B) suppliers of commodities, (C) suppliers of ships, and (D) other shipping interests.

(2) The regulations shall be designed to encourage an increase in the number of exporters participating in the program.

(3) All revised regulations governing operations under subchapters II and III-A of this chapter shall be transmitted to Congress by the Secretary as soon as practicable after their issuance.

(e) Bagged commodities for the purpose of financing by the Commodity Credit Corporation under this chapter may, subject to regulations issued by the Secretary of Agriculture, be considered "exported" upon delivery at port, and upon presentation of a dock receipt in lieu of an onboard bill of lading. (July 10, 1954, c. 469, § 408, as added Nov. 11, 1966, Pub. L. 89-808, § 2(E), 80 Stat. 1537; Dec. 20, 1975, Pub. L. 94-161, Title II, § 211, 89 Stat. 854; Aug. 3, 1977, Pub. L. 95-88, Title II, § 213, 91 Stat. 551; Sept. 29, 1977, Pub. L. 95-113, Title XII, § 1207, 91 Stat. 957; Oct. 19, 1980, Pub. L. 96-470, Title II, § 213, 94 Stat. 2246; Dec. 22, 1981, Pub. L. 97-98, Title XII, § 1215, 95 Stat. 1282.)

TITLE 10.—ARMED FORCES

Chapter 4.—DEPARTMENT OF DEFENSE

* * * * * * *

§ 114. Annual authorization of appropriations. 441

(a) No funds may be appropriated for any fiscal year to or for the use of any armed force or obligated or expended for—

(1) procurement of aircraft, missiles, or naval vessels;

(2) any research, development, test, or evaluation, or procurement or production related thereto;

(3) procurement of tracked combat vehicles;

(4) procurement of other weapons;

(5) procurement of naval torpedoes and related support equipment;

(6) military construction;

(7) the operation and maintenance of any armed force or of the activities and agencies of the Department of Defense (other than the military departments);

(8) procurement of ammunition; or

(9) other procurement by any armed force or by the activities and agencies of the Department of Defense (other than the military departments);

unless funds therefor have been specifically authorized by law.

(b) In subsection (a)(6), the term "military construction" includes any construction, development, conversion, or extension of any kind which is carried out with respect to any military facility or installation (including any Government-owned or Government-leased industrial facility used for the production of defense articles and any facility to which section 2353 of this title applies), any activity to which section 2807 of this title applies, any activity to which chapter 133 of this title applies, and advances to the Secretary of Transportaion for the construction of defense access roads under section 210 of title 23. Such term does not include any activity to which section 2821 or 2854 of this title applies.

(c) The size of the Special Defense Acquisition Fund established pursuant to chapter 5 of the Arms Export Control Act (22 U.S.C. 2795 et seq.) may not exceed $1,070,000,000.

(d) Funds may be appropriated for the armed forces for use as an emergency fund for research, development, test, and evaluation, or related procurement or production, only if the appropriation of the funds is authorized by law after June 30, 1966.

(e) In each budget submitted by the President to Congress under section 1105 of title 31, amounts requested for procurement of equipment for the reserve components of the armed forces (including the National Guard) shall be set forth separately from other amounts requested for procurement for the armed forces.

(f) The amounts of the estimated expenditures and proposed appropriations necessary to support programs, projects, and activities of the Department of Defense included pursuant to paragraph (5) of section

1105(a) of title 31 in the budget submitted to Congress by the President under such section for any fiscal year or years and the amounts specified in all program and budget information submitted to Congress by the Department of Defense in support of such estimates and proposed appropriations shall be mutually consistent unless, in the case of each inconsistency, there is included detailed reasons for the inconsistency.

(g) The Secretary of Defense shall submit to Congress not later than April 1 of each year, the five-year defense program (including associated annexes) used by the Secretary in formulating the estimated expenditures and proposed appropriations included in such budget to support programs, projects, and activities of the Department of Defense.

441.1 § 115. Annual authorization of personnel strengths: annual manpower requirements report.

(a)(1) Congress shall authorize the end strength as of the end of each fiscal year for the Selected Reserve of each reserve component of the armed forces. No funds may be appropriated for any fiscal year to or for the use of the Selected Reserve of any reserve component of the armed forces unless the end strength for the Selected Reserve of that component for that fiscal year has been authorized by law.

(2) The Secretary of Defense shall submit to the Congress each year, not later than February 15, a written report concerning the equipment of the National Guard and the reserve components of the armed forces for each of the three succeeding fiscal years. Each such report shall include—

(A) recommendations as to the type and quantity of each major item of equipment which should be in the inventory of the Selected Reserve of the Ready Reserve of each reserve component of the armed forces;

(B) the quantity and average age of each type of major item of equipment which is expected to be physically available in the inventory of the Selected Reserve of the Ready Reserve of each reserve component as of the beginning of each fiscal year covered by the report;

(C) the quantity and cost of each type of major item of equipment which is expected to be procured for the Selective Reserve of the Ready Reserve of each reserve component from commercial sources or to be transferred to each such Selected Reserve from the active-duty components of the armed forces; and

(D) the quantity of each type of major item of equipment which is expected to be retired, decommissioned, transferred or otherwise removed from the physical inventory of the Selected Reserve of the Ready Reserve of each reserve component and the plans for replacement of that equipment.

The report required by this paragraph shall be prepared and expressed in the same format and with the same level of detail as the information presented in the annual Five Year Defense Program Procurement Annex prepared by the Department of Defense.

(3) The Secretary shall include in each report under paragraph (2) the following:

(A) A listing of each major item of equipment required by the Selected Reserve of the Ready Reserve of each reserve component indicating—

(i) the full war-time requirement of that component for that item, shown in accordance with deployment schedules and requirements over successive 30-day periods following mobilization;

(ii) the number of each such item in the inventory of the component;

(iii) a separate listing of each such item in the inventory that is a deployable item and is not the most desired item;

(iv) the number of each such item projected to be in the inventory at the end of the third succeeding fiscal year; and

(v) the number of nondeployable items in the inventory as a substitute for a required major item of equipment.

(B) A narrative explanation of the plan of the Secretary concerned to provide equipment needed to fill the war-time requirement for each major item of equipment to all units of the Selected Reserve, including an explanation of the plan to equip units of the Selected Reserve that are short major items of equipment at the outset of war.

(C) For each item of major equipment reported under paragraph (2)(C) in a report for one of the three previous years under this subsection as an item expected to be procured for the Selected Reserve or to be transferred to the Selected Reserve, the quantity of such equipment actually procured for or transferred to the Selected Reserve.

(b)(1)(A) Congress shall authorize the end strength as of the end of each fiscal year for each component of the armed forces for (i) active-duty personnel who are to be paid from funds appropriated for active-duty personnel, and (ii) active-duty personnel and full-time National Guard duty personnel who are to be paid from funds appropriated for reserve personnel. Upon determination by the Secretary of Defense that such action is in the national interest, the end strength authorized pursuant to clause (i) of the preceding sentence for a fiscal year may be increased by a number equal to not more than 0.5 percent of the end strength authorized for such component for that fiscal year and the end strength authorized pursuant to clause (ii) of that sentence for a fiscal year may be increased by a number equal to not more than 2 percent of such end strength authorized for such component for that fiscal year. No funds may be appropriated to or for the use of active-duty personnel or full-time National Guard duty personnel of any component of the armed forces unless the end strength for such personnel of that component for that fiscal year has been authorized by law.

(B) In counting active-duty personnel for the purpose of the end-strengths authorized pursuant to subparagraph (A), persons in the following categories shall be excluded:

(i) Members of the Ready Reserve ordered to active duty under section 673 of this title.

(ii) Members of the Selected Reserve of the Ready Reserve ordered to active duty under section 673b of this title.

(iii) Members of the National Guard called into Federal service under section 3500 or 8500 of this title.

(iv) Members of the militia called into Federal service under chapter 15 of this title.

(v) Members of reserve components on active duty for training.

(vi) Members of reserve components on active duty for 180 days or less to perform special work.

(vii) Members on full-time National Guard duty for 180 days or less.

(C) The authorized strength of the Navy is increased by the authorized strength of the Coast Guard during any period when the Coast Guard is operating as a service in the Navy.

(2) Congress shall authorize the end strength as of the end of each fiscal year for civilian personnel for each component of the Department of Defense. No funds may be appropriated for any fiscal year to or for the use of the civilian personnel of any component of the Department of Defense unless the end strength for civilian personnel of that component for that fiscal year has been authorized by law.

(3)(A) The Secretary of Defense shall submit to Congress a written report, not later than February 15 of each fiscal year, recommending the annual active duty end strength level for each component of the armed forces for the next fiscal year and the annual civilian personnel end strength level for each component of the Department of Defense for the next fiscal year, and shall include in that report justification for the strength levels recommended and an explanation of the relationship between the personnel strength levels recommended for that fiscal year and the national security policies of the United States in effect at the time. The justification and explanation shall specify in detail for all military forces (including each land force division, carrier and other major combatant vessel, air wing, and other comparable unit) the—

(i) unit mission and capability;

(ii) strategy which the unit supports; and

(iii) area of deployment and illustrative areas of potential deployment, including a description of any United States commitment to defend such areas.

(B) The Secretary of Defense shall also include in the report required under subparagraph (A) a detailed discussion of—

(i) the manpower required for support and overhead functions within the armed forces and the Department of Defense;

(ii) the relationship of the manpower required for support and overhead functions to the primary combat missions and support policies; and

(iii) the manpower required to be stationed or assigned to duty in foreign countries and aboard vessels located outside the territorial limits of the United States, its territories, and possessions.

(C) In such report, the Secretary of Defense shall also identify, define, and group by mission and by region the types of military bases, installations, and facilities and shall provide an explanation and justification of the relationship between this base structure and the proposed military force structure together with a comprehensive identification of base operating support costs and an evaluation of possible alternatives to reduce such costs.

(D) The Secretary of Defense shall also include in such report with respect to each armed force under the jurisdiction of the Secretary of a military department—

(i) the number of positions that require warrant officers or commissioned officers serving on active duty in each of the officer grades

during the current fiscal year and the estimated number of such positions for each of the next five fiscal years;

(ii) the estimated number of officers that will be serving on active duty in each grade on the last day of the current fiscal year and the estimated numbers of officers that will be needed on active duty on the last day of each of the next five fiscal years;

(iii) an estimate and analysis of the current fiscal year and for each of the next five fiscal years of gains to and losses from the number of members on active duty in each officer grade, including a tabulation of—

(I) retirements displayed by year of active commissioned service;

(II) discharges;

(III) other separations;

(IV) deaths;

(V) promotions;

(VI) reserve and regular officers ordered to active duty; and

(iv) an analysis of the distribution of each of the following categories of officers serving on active duty on the last day of the preceding fiscal year by grade in which serving and years of active commissioned service:

(I) Regular officers.

(II) Reserve officers on the active-duty list.

(III) Reserve officers described in clauses (B) and (C) of section 523(b)(1) of this title.

(IV) Officers other than those specified in subclauses (I), (II), and (III) serving in a temporary grade.

(v) an analysis of the number of officers and enlisted members serving on active duty for training as of the last day of the preceding fiscal year under orders specifying an aggregate period in excess of 180 days and an estimate for the current fiscal year of the number that will be ordered to such duty, tabulated by the following categories:

"(I) Recruit and specialized training.

"(II) Flight training.

"(III) Professional training in military and civilian institutions.

"(IV) Officer acquisition training.

(4) If at the end of any fiscal year there is in effect a war or national emergency, the President may defer the effectiveness of any end-strength limitation with respect to that fiscal year prescribed by law for any military or civilian component of the armed forces or of the Department of Defense. Any such deferral may not extend beyond November 30 of the following fiscal year. The President shall promptly notify Congress of any deferral of an end-strength limitation under this paragraph.

(5) The Secretary of Defense shall use the least costly form of personnel consistent with military requirements and other needs of the Department. In developing the annual personnel authorization requests to Congress and in carrying out personnel policies, the Secretary shall—

(A) consider particularly the advantages of converting from one form of personnel (military, civilian, or private contract) to another for the performance of a specified job; and

(B) include in each manpower requirements reports submitted under paragraph (3) a complete justification for converting from one form of personnel to another.

(c)(1) Congress shall authorize the average military training student loads for each component of the armed forces. Such authorization is not required for unit or crew training student loads, but is required for student loads for the following individual training categories—

(A) recruit and specialized training;

(B) flight training;

(C) professional training in military and civilian institutions; and

(D) officer acquisition training.

No funds may be appropriated for any fiscal year for training military personnel in the training categories described in clauses (A)-(D) of any component of the armed forces unless the average student load of that component for that fiscal year has been authorized by law.

(2) The Secretary of Defense shall submit to Congress a written report, not later than March 1 of each fiscal year, recommending the average student load for each category of training for each component of the armed forces for the next three fiscal years, and shall include in that report justification for, and explanation of, the average student loads recommended.

441.2 § 116. Annual operations and maintenance report.

(a)(1) The Secretary of Defense shall submit to Congress a written report, not later than February 15 of each fiscal year, with respect to the operations and maintenance of the Army, Navy, Air Force, and Marine Corps for the next fiscal year. The Secretary shall include in each such report recommendations for—

(A) the number of aircraft flying hours for the Army, Navy, Air Force, and Marine Corps for the next fiscal year, the number of ship steaming hours for the Navy for the next fiscal year, and the number of field training days for the combat arms battalions of the Army and Marine Corps for the next fiscal year;

(B) the number of ships over 3,000 tons (full load displacement) in each Navy ship classification on which major repair work should be performed during the next fiscal year; and

(C) the number of airframe reworks, aircraft engine reworks, and vehicle overhauls which should be performed by the Army, Navy, Air Force, and Marine Corps during the next fiscal year.

(2) The Secretary shall also include in each such report the justification for and an explanation of the level of funding recommended in the Budget of the President for the next fiscal year for aircraft flying hours, ship steaming hours, field training days for the combat arms battalions, major repair work to be performed on ships of the Navy, airframe reworks, aircraft engine reworks, and vehicle overhauls.

(b) In this section:

(1) The term "combat arms battalions" means armor, infantry, mechanized infantry, air assault infantry, airborne infantry, ranger, artillery, and combat engineer battalions and armored cavalry and air cavalry squadrons.

(2) The term "major repair work" means, in the case of any ship to which such subsection is applicable, any overhaul, modification, al-

teration, or conversion work which will result in a total cost to the United States of more than $10,000,000.

(Pub. L. 93-155, Title VIII, § 803(a), Nov. 16, 1973, 87 Stat. 612; Pub. L. 94-106, Title VIII, § 801(a), Oct. 7, 1975, 89 Stat. 537; Pub. L. 94-361, Title III, § 302, July 14, 1976, 90 Stat. 924; Pub. L. 96-107, Title III, § 303(b), Nov. 9, 1979, 93 Stat. 806; Pub. L. 96-342, Title X, § 1001(a)(1), (b)-(d)(1), Sept. 8, 1980, 94 Stat. 1117-1119; Pub. L. 96-513, Title I, § 102, Title V, § 511(4), Dec. 12, 1980, 94 Stat. 2840, 2920; Pub. L. 97-22, Title III, § 2(b), July 10, 1981, 95 Stat. 124; Pub. L. 97-86, Title III, § 302, Title IX, §§ 901(a), 902, 903, Dec. 1, 1981, 95 Stat. 1104, 1113, 1114; Pub. L. 97-113, Title I, § 108(b), Dec. 29, 1981, 95 Stat. 1524; Pub. L. 97-214, § 4, July 12, 1982, 96 Stat. 170; Pub. L. 97-252, Title IV, § 402(a), Title XI, §§ 1103, 1105, Sept. 8, 1982, 96 Stat. 725, 738, 739; Pub. L. 97-295, § 1(3), (4), Oct. 12, 1982, 96 Stat. 1289; Pub. L. 99-145, Title XII, § 1208, Nov. 8 1985, 99 Stat. 723, 743; Pub. L. 99-433, Title I, §§ 101(a) (2), 110(b), Oct. 1, 1986, 100 Stat. 1002; Pub. L. 99-661, Div. A, Title I, § 105(d), Title IV, §§ 411(c), 413, Title XIII, § 1304(a), Nov. 14, 1986, 100 Stat. 3827, 3861, 3862, 3979.)

NOTE

Sections 114, 115, and 116 of title 10, United States Code (set out above), comprised section 138 of such title before that section was redesignated and amended by Public Law 99-661.

* * * * * * *

Chapter 403.—UNITED STATES MILITARY ACADEMY

§ 4342. Cadets: appointments; numbers, territorial distribution. 441.5

(a) The authorized strength of the Corps of Cadets of the Academy is as follows:

(1) 65 cadets selected in order of merit as established by competitive examinations from the children of members of the armed forces who were killed in action or died of, or have a service-connected disability rated at not less than 100 per centum resulting from, wounds or injuries received or diseases contracted in, or preexisting injury or disease aggravated by, active service, children of members who are in a "missing status" as defined in section 551(2) of title 37, and children of civilian employees who are in "missing status" as defined in section 5561(5) of title 5. The determination of the Veterans' Administration as to service connection of the cause of death or disability, and the percentage at which the disability is rated, is binding upon the Secretary of the Army.

(2) Five cadets nominated at large by the Vice President or, if there is no Vice President, by the President pro tempore of the Senate.

(3) Ten cadets from each State, five of whom are nominated by each Senator from that State.

(4) Five cadets from each congressional district, nominated by the Representative from the district.

(5) Five cadets from the District of Columbia, nominated by the Delegate to the House of Representatives from the District of Columbia.

(6) Two cadets from the Virgin Islands, nominated by the Delegate in Congress from the Virgin Islands.

(7) Six cadets from Puerto Rico, five of whom are nominated by the Resident Commissioner from Puerto Rico and one who is a native of Puerto Rico nominated by the Governor of Puerto Rico.

(8) One cadet nominated by the Administrator of the Panama Canal Commission from the children of civilian personnel of the United States Government residing in the Republic of Panama who are citizens of the United States.

(9) Two cadets from Guam, nominated by the Delegate in Congress from Guam.

(10) One cadet from American Samoa, nominated by the Delegate in Congress from American Samoa.

Each Senator, Representative, and Delegate in Congress, including the Resident Commissioner from Puerto Rico, is entitled to nominate a principal candidate and nine alternates for each vacancy that is available to him under this section.

(b) In addition, there may be appointed each year at the Academy cadets as follows:

(1) 100 selected by the President from the children of members of an armed force who—

(A) are on active duty (other than for training) and who have served continuously on active duty for at least eight years;

(B) are, or who died while they were, retired with pay or granted retired or retainer pay, other than those granted retired pay under section 1331 of this title;

however, a person who is eligible for selection under clause (1) of subsection (a) may not be selected under this clause.

(2) 85 nominated by the Secretary of the Army from enlisted members of the Regular Army.

(3) 85 nominated by the Secretary of the Army from enlisted members of reserve components of the Army.

(4) 20 nominated by the Secretary of the Army, under regulations prescribed by him, from the honor graduates of schools designated as honor schools by the Department of the Army, the Department of the Navy, or the Department of the Air Force, and from members of the Reserve Officers' Training Corps.

(5) 150 selected by the Secretary of the Army in order of merit (prescribed pursuant to section 4343 of this title) from qualified alternates nominated by persons named in clauses (3) and (4) of subsection (a).

(c) The President may also appoint as cadets at the Academy children of persons who have been awarded the Medal of Honor for acts performed while in the armed forces.

(d) The Superintendent may nominate for appointment each year 50 persons from the country at large. Persons nominated under this paragraph may not displace any appointment authorized under clauses (2)-(7), (9), or (10) of subsection (a) and may not cause the total strength of the Corps of Cadets to exceed the authorized number.

(e) If the annual quota of cadets under subsection (b) (1), (2), (3) is not filled, the Secretary may fill the vacancies by nominating for appointment other candidates from any of these sources who were found best qualified on examination for admission and not otherwise nominated.

(f) Each candidate for admission nominated under clauses (3)-(7), (9) and (10) of subsection (a) must be domiciled in the State or Territory, or in the congressional district, from which he is nominated, or in the District of Columbia, Puerto Rico, American Samoa, Guam, or the Virgin Islands, if nominated from one of those places.

(g) The Secretary of the Army may limit the number of cadets authorized to be appointed under this section to the number that can be adequately accommodated at the Academy, as determined by the Secretary after consulting with the Committees on Armed Services of the Senate and House of Representatives, subject to the following:

(1) Cadets chargeable to each nominating authority named in subsection (a) (3) or (4) may not be limited to less than four.

(2) If the Secretary limits the number of appointments under subsection (a) (3) or (4), appointments under subsection (b) (1)-(4) are limited as follows:

(A) 26 appointments under subsection (b)(1);
(B) 27 appointments under subsection (b)(2);
(C) 27 appointments under subsection (b)(3); and
(D) 13 appointments under subsection (b)(4).

(3) If the Secretary limits the number of appointments under subsection (b)(5), appointments under subsection (b) (2)-(4) are limited as follows:

(A) 27 appointments under subsection (b)(2);
(B) 27 appointments under subsection (b)(3); and
(C) 13 appointments under subsection (b)(4).

(4) The limitations provided for in this subsection do not affect the operation of subsection (e).

(h) The Secretary of the Army shall furnish to any Member of Congress, upon the written requests of such Member, the name of the Congressman or other nominating authority responsible for nomination of any named or identified person for appointment to the Academy. (Aug. 10, 1956, ch. 1041, 70A Stat. 240; Sept. 2, 1958, Pub. L. 85-861, § 33(a)(26), 72 Stat. 1565; Sept. 14, 1962, Pub. L. 87-663, § 1(1), (2), 76 Stat. 547; Mar. 3, 1964, Pub. L. 88-276, § 1(1), 78 Stat. 148; Oct. 13, 1966, Pub. L. 89-650, § 1(1)-(4), 80 Stat. 896; July 5, 1968, Pub. L. 90-374, 82 Stat. 283; Sept. 22, 1970, Pub. L. 91-405, § 204(c), 84 Stat. 852; Aug. 7, 1972, Pub. L. 92-365, § 1(1), 86 Stat. 505; Nov. 29, 1973, Pub. L. 93-171, § 1(1)-(4), 87 Stat. 690; Oct. 7, 1975, Pub. L. 94-106, Title VIII, § 803(b)(1), 89 Stat. 538; Dec. 12, 1980, Pub. L. 96-513, Title V, § 512(13), 94 Stat. 2930; Dec. 24, 1980, Pub. L. 96-600, § 2(a), 94 Stat. 3493; Oct. 14, 1981, Pub. L. 97-60, Title II, § 203(a)(1), 95 Stat. 1006; Sept. 24, 1983, Pub. L. 98-94, Title X, § 1005(a)(1) and (b)(1), 97 Stat. 660.)

§ 4355. Board of Visitors. 442

(a) A Board of Visitors to the Academy is constituted annually of—

(1) the chairman of the Committee on Armed Services of the Senate, or his designee;

(2) three other members of the Senate designated by the Vice President or the President pro tempore of the Senate, two of whom are members of the Committee on Appropriations of the Senate;

(3) the chairman of the Committee on Armed Services of the House of Representatives, or his designee;

(4) four other members of the House of Representatives designated by the Speaker of the House of Representatives, two of whom are

members of the Committee on Appropriations of the House of Representatives; and

(5) six persons designated by the President.

(b) The persons designated by the President serve for three years each except that any member whose term of office has expired shall continue to serve until his successor is appointed. The President shall designate two persons each year to succeed the members whose terms expire that year.

(c) If a member of the Board dies or resigns, a successor shall be designated for the unexpired portion of the term by the official who designated the member.

(d) The Board shall visit the Academy annually. With the approval of the Secretary of the Army, the Board or its members may make other visits to the Academy in connection with the duties of the Board or to consult with the Superintendent of the Academy.

(e) The Board shall inquire into the morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy that the Board decides to consider.

(f) Within 60 days after its annual visit, the Board shall submit a written report to the President of its action, and of its views and recommendations pertaining to the Academy. Any report of a visit, other than the annual visit, shall, if approved by a majority of the members of the Board, be submitted to the President within 60 days after the approval.

(g) Upon approval by the Secretary, the Board may call in advisers for consultation.

(h) While performing his duties, each member of the Board and each adviser is entitled to not more than $5 a day and shall be reimbursed under Government travel regulations for his travel expenses. (Aug. 10, 1956, ch. 1041, 70A Stat. 245; Dec. 23, 1980, Pub. L. 96-579, § 13(a), 94 Stat. 3369.)

Chapter 603.—UNITED STATES NAVAL ACADEMY

442.5 **§ 6954. Midshipmen: number.**

(a) There may be at the Naval Academy at any one time midshipmen as follows:

(1) 65 selected in order of merit as established by competitive examination from the children of members of the armed forces who were killed in action or died of, or have a service-connected disability at not less than 100 per centum resulting from, wounds or injuries received or diseases contracted in, or preexisting injury or disease aggravated by, active service, children of members who are in a "missing status" as defined in section 551(2) of title 37, and children of civilian employees who are in "missing status" as defined in section 5561(5) of title 5. The determination of the Veterans' Administration as to service connection of the cause of death or disability, and the percentage at which the disability is rated, is binding upon the Secretary of the Navy.

(2) Five nominated at large by the Vice President or, if there is no Vice President, by the President pro tempore of the Senate.

(3) Ten from each State, five of whom are nominated by each Senator from that State.

(4) Five nominated by each Representative in Congress.

(5) Five from the District of Columbia, nominated by the Delegate to the House of Representatives from the District of Columbia.

(6) Two from the Virgin Islands, nominated by the Delegate in Congress from the Virgin Islands.

(7) Six from Puerto Rico, five of whom are nominated by the Resident Commissioner from Puerto Rico and one who is a native of Puerto Rico nominated by the Governor of Puerto Rico.

(8) One nominated by the Administrator of the Panama Canal Commission from the children of civilian personnel of the United States residing in the Republic of Panama who are citizens of the United States.

(9) Two from Guam, nominated by the Delegate in Congress from Guam.

(10) One from American Samoa nominated by the Delegate in Congress from American Somoa. Each Senator, Representative, and Delegate in Congress, including the Resident Commissioner from Puerto Rico, is entitled to nominate a principal candidate and nine alternates for each vacancy that is available to him under this section.

(b) In addition there may be appointed each year at the Academy midshipmen as follows:

(1) 100 selected by the President from the children of members of an armed force who—

(A) are on active duty (other than for training) and who have served continuously on active duty for at least eight years;

(B) are, or who died while they were, retired with pay or granted retired or retainer pay, other than those granted retired pay under section 1331 of this title;

however, a person who is eligible for selection under clause (1) of subsection (a) may not be selected under this clause.

(2) 85 nominated by the Secretary of the Navy from enlisted members of the Regular Navy and the Regular Marine Corps.

(3) 85 nominated by the Secretary of the Navy from enlisted members of the Naval Reserve and the Marine Corps Reserve.

(4) 20 nominated by the Secretary of the Navy, under regulations prescribed by him, from the honor graduates of schools designated as honor schools by the Department of the Army, the Department of the Navy, or the Department of the Air Force, and from members of the Naval Reserve Officers' Training Corps.

(5) 150 selected by the Secretary of the Navy in order of merit (prescribed pursuant to section 6956 of this title) from qualified alternates nominated by persons named in clauses (3) and (4) of subsection (a).

(c) The President may also appoint as midshipmen at the Academy children of persons who have been awarded the Medal of Honor for acts performed while in the armed forces.

(d) The Superintendent of the Naval Academy may nominate for appointment each year 50 persons from the country at large. Persons nominated under this paragraph may not displace any appointment authorized under clauses (2)-(7), (9), or (10) of subsection (a) and may not cause the total strength of midshipmen at the Naval Academy to exceed the authorized number.

(e) The Secretary of the Navy may limit the number of midshipmen appointed under subsection (b)(5). When he does so, if the total number of midshipmen, upon admission of a new class at the Academy, will be more than 3,737, no appointments may be made under subsection (b) (2) or (3) of this section or section 6956 of this title.

(f) The Secretary of the Navy shall furnish to any Member of Congress, upon the written request of such Member, the name of the Congressman or other nominating authority responsible for the nomination of any named or identified person for appointment to the Academy. (Aug. 10, 1956, ch. 1041, 70A Stat. 429; Sept. 7, 1962, Pub. L. 87-651, § 124, 76 Stat. 514; Sept. 14, 1962, Pub. L. 87-663, § 1(3), 76 Stat. 547; Mar. 3, 1964, Pub. L. 88-276, § 2, 78 Stat. 150; Oct. 13, 1966, Pub. L. 89-650, § 1(1)-(3), 80 Stat. 896; July 5, 1968, Pub. L. 90-374, 82 Stat. 283; Sept. 22, 1970, Pub. L. 91-405, § 204(c), 84 Stat. 852; Aug. 7, 1972, Pub. L. 92-365, § 1(2), 86 Stat. 505; Nov. 29, 1973, Pub. L. 93-171, § 2(1)-(3), 87 Stat. 690; Oct. 7, 1975, Pub. L. 94-106, Title VIII, § 803(b)(1), 89 Stat. 538; Dec. 24, 1980, Pub. L. 96-600, § 2(b), 94 Stat. 3493; Oct. 14, 1981, Pub. L. 97-60, Title II, § 203(b)(2), 95 Stat. 1006; Oct. 12, 1982, Pub. L. 97-295, § 1(44), 96 Stat. 1298; Sept. 24, 1983, Pub. L. 98-94, Title X, § 1005 (a)(2) and (b)(2), 97 Stat. 660.)

442.6 § 6956. Midshipmen: nomination and selection to fill vacancies.

(a) The Secretary of the Navy shall, as soon as possible after the first of June of each year, notify in writing each Senator, Representative, and Delegate in Congress of any vacancy that will exist at the Naval Academy because of graduation in the following year, or that may occur for other reasons, for which the Member or Delegate is entitled to nominate a candidate and nine alternates.

(b) If the annual quota of midshipmen from—

(1) enlisted members of the Regular Navy and the Regular Marine Corps;

(2) enlisted members of the Naval Reserve and the Marine Corps Reserve; or

(3) at large by the President;

is not filled, the Secretary may fill the vacancies by nominating for appointment other candidates from any of these sources who were found best qualified on examination for admission and not otherwise nominated.

(c) If it is determined that, upon the admission of a new class to the Academy, the number of midshipmen at the Academy will be below the authorized number, the Secretary may fill the vacancies by nominating additional midshipmen from qualified candidates designated as alternates and from other qualified candidates who competed for nomination and are recommended and found qualified by the Academic Board. At least three-fourths of those nominated under this subsection shall be from qualified alternates under clauses (2)-(9) of section 6954(a) of this title, and the remainder shall be from qualified candidates who competed for appointment under any other provision of law. An appointment of a nominee under this subsection is an additional appointment and is not in place of an appointment otherwise authorized by law.

(d) The failure of a member of a graduating class to complete the course with his class does not delay the appointment of his successor. (Aug. 10, 1956, ch. 1041, 70A Stat. 430; March. 3, 1964, Pub. L. 88-276, § 3, 78 Stat. 151; July 5, 1968, Pub. L. 90-374, 82 Stat. 283; Nov. 29, 1973, Pub. L. 93-171, § 2(4), 87 Stat. 690; Oct. 7, 1975, Pub. L. 94-106, Title VIII, § 803(b)(2), 89 Stat. 538; Oct. 14, 1981, Pub. L. 97-60, Title II, § 206, 95 Stat. 1007.)

§ 6968. Board of Visitors. 443

(a) A Board of Visitors to the Naval Academy is constituted annually of—

(1) the chairman of the Committee on Armed Services of the Senate, or his designee;

(2) three other members of the Senate designated by the Vice President or the President pro tempore of the Senate, two of whom are members of the Committee on Appropriations of the Senate;

(3) the chairman of the Committee on Armed Services of the House of Representatives, or his designee;

(4) four other members of the House of Representatives designated by the Speaker of the House of Representatives, two of whom are members of the Committee on Appropriations of the House of Representatives; and

(5) six persons designated by the President.

(b) The persons designated by the President serve for three year each except that any member whose term of office has expired shall continue to serve until his successor is appointed. The President shall designate two persons each year to succeed the members whose terms expire that year.

(c) If a member of the Board dies or resigns, a successor shall be designated for the unexpired portion of the term by the official who designated the member.

(d) The Board shall visit the Academy annually. With the approval of the Secretary of the Navy, the Board or its members may make other visits to the Academy in connection with the duties of the Board or to consult with the Superintendent of the Academy.

(e) The Board shall inquire into the state of morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy that the Board decides to consider.

(f) Within 60 days after its annual visit, the Board shall submit a written report to the President of its action and of its views and recommendations pertaining to the Academy. Any report of a visit, other than the annual visit, shall, if approved by a majority of the members of the Board, be submitted to the President within 60 days after the approval.

(g) Upon approval by the Secretary, the Board may call in advisers for consultation.

(h) While performing his duties, each member of the Board and each adviser is entitled to not more than $5 a day and shall be reimbursed under Government travel regulations for his travel expenses. (Aug. 10, 1956, ch. 1041, 70A Stat. 434; Dec. 23, 1980, Pub. L. 96-579, § 13(b), 94 Stat. 3369.)

Chapter 903.—UNITED STATES AIR FORCE ACADEMY

443.5 **§ 9342. Cadets: appointment; numbers, territorial distribution.**

(a) The authorized strength of Air Force Cadets of the Academy is as follows:

(1) 65 cadets selected in order of merit as established by competitive examination from the children of members of the armed forces who were killed in action or died of, or have a service-connected disability rated at not less than 100 per centum resulting from, wounds or injuries received or diseases contracted in, or preexisting injury or disease aggravated by, active service, children of members who are in a "missing status" as defined in section 551(2) of title 37, and children of civilian employees who are in a "missing status" as defined in section 5561(5) of title 5. The determination of the Veterans' Administration as to service connection of the cause of death or disability, and the percentage at which the disability is rated, is binding upon the Secretary of the Air Force.

(2) Five cadets nominated at large by the Vice President or, if there is no Vice President, by the President pro tempore of the Senate.

(3) Ten cadets from each State, five of whom are nominated by each Senator from that State.

(4) Five cadets from each congressional district, nominated by the Representative from the district.

(5) Five cadets from the District of Columbia, nominated by the Delegate to the House of Representatives from the District of Columbia.

(6) Two cadets from the Virgin Islands, nominated by the Delegate in Congress from the Virgin Islands.

(7) Six cadets from Puerto Rico, five of whom are nominated by the Resident Commissioner from Puerto Rico and one who is a native of Puerto Rico nominated by the Governor of Puerto Rico.

(8) One cadet nominated by the Administrator of the Panama Canal Commission from the children of civilian personnel of the United States Government residing in the Republic of Panama who are citizens of the United States.

(9) Two cadets from Guam, nominated by the Delegate in Congress from Guam.

(10) One cadet from American Samoa, nominated by the Delegate in Congress from American Samoa.

Each Senator, Representative, and Delegate in Congress, including the Resident Commissioner from Puerto Rico, is entitled to nominate a principal candidate and nine alternates for each vacancy that is available to him under this section.

(b) In addition, there may be appointed each year at the Academy cadets as follows:

(1) 100 selected by the President from the children of members of an armed force who—

(A) are on active duty (other than for training) and who have served continuously on active duty for at least eight years;

(B) are, or who died while they were, retired with pay or granted retired or retainer pay, other than those granted retired pay under section 1331 of this title;

however, a person who is eligible for selection under clause (1) of subsection (a) may not be selected under this clause.

(2) 85 nominated by the Secretary of the Air Force from enlisted members of the Regular Air Force.

(3) 85 nominated by the Secretary of the Air Force from enlisted members of reserve components of the Air Force.

(4) 20 nominated by the Secretary of the Air Force, under regulations prescribed by him, from the honor graduates of schools designated as honor schools by the Department of the Army, the Department of the Navy, or the Department of the Air Force, and from members of the Air Force Reserve Officers' Training Corps.

(5) 150 selected by the Secretary of the Air Force in order of merit (prescribed pursuant to section 9343 of this title) from qualified alternates nominated by persons named in clauses (3) and (4) of subsection (a).

(c) The President may also appoint as cadets at the Academy children of persons who have been awarded the Medal of Honor for acts performed while in the armed forces.

(d) The Superintendent may nominate for appointment each year 50 persons from the country at large. Persons nominated under this paragraph may not displace any appointment authorized under clauses (2)-(7), (9), or (10) of subsection (a) and may not cause the total strength of Air Force Cadets to exceed the authorized number.

(e) If the annual quota of cadets under subsection (b) (1), (2), or (3) is not filled, the Secretary may fill the vacancies by nominating for appointment other candidates from any of these sources who were found best qualified on examination for admission and not otherwise nominated.

(f) Each candidate for admission nominated under clauses (3)-(7), (9) and (10) of subsection (a) must be domiciled in the State or Territory, or in the congressional district, from which he is nominated, or in the District of Columbia, Puerto Rico, American Samoa, Guam, or the Virgin Islands, if nominated from one of those places.

(g) The Secretary of the Air Force may limit the number of cadets authorized to be appointed under this section to the number that can be adequately accommodated at the Academy as determined by the Secretary after consulting with the Committees on Armed Services of the Senate and House of Representatives, subject to the following:

(1) Cadets chargeable to each nominating authority named in subsection (a) (3) or (4) may not be limited to less than four.

(2) If the Secretary limits the number of appointments under subsection (a) (3) or (4), appointments under subsection (b) (1)-(4) are limited as follows:

(A) 27 appointments under subsection (b)(1);

(B) 27 appointments under subsection (b)(2);

(C) 27 appointments under subsection (b)(3); and

(D) 13 appointments under subsection (b)(4).

(3) If the Secretary limits the number of appointments under subsection (b)(5), appointments under subsection (b) (2)-(4) are limited as follows:

(A) 27 appointments under subsection (b)(2);

(B) 27 appointments under subsection (b)(3); and

(C) 13 appointments under subsection (b)(4).

(4) The limitations provided for in this subsection do not affect the operation of subsection (e).

(h) The Secretary of the Air Force shall furnish to any Member of Congress, upon the written request of such Member, the name of the Congressman or other nominating authority responsible for the nomination of any named or identified person for appointment to the Academy.

(Aug. 10, 1956, ch. 1041, 70A Stat. 563; Sept. 14, 1962, Pub. L. 87-663, § 1(5), (6), 76 Stat. 547; Mar. 3, 1964, Pub. L. 88-276, § 4(1), 78 Stat. 151; Oct. 13, 1966, Pub. L. 89-650, § 1(1)-(3), (5), 80 Stat. 896; July 5, 1968, Pub. L. 90-374, 82 Stat. 283; Sept. 22, 1970, Pub. L. 91-405, § 204(c), 84 Stat. 852; Aug. 7, 1972, Pub. L. 92-365, § 1(3), 86 Stat. 505; Nov. 29, 1973, Pub. L. 93-171, § 3(1)-(4), 87 Stat. 690; Oct. 7, 1975, Pub. L. 94-106, Title VIII, § 803(b)(1), 89 Stat. 538; Dec. 12, 1980, Pub. L. 96-513, Title V, § 514(11), 94 Stat. 2935; Dec. 24, 1980, Pub. L. 96-600, § 2(c), 94 Stat. 3493; Oct. 14, 1981, Pub. L. 97-60, Title II, § 203(c)(1), 95 Stat. 1006; Sept. 24, 1983, Pub. L. 98-94, § 1005 (a)(3) and (b)(3), 97 Stat. 660, 661).

444 § 9355. Board of Visitors.

(a) A Board of Visitors to the Academy is constituted annually of—

(1) the chairman of the Committee on Armed Services of the Senate, or his designee;

(2) three other members of the Senate designated by the Vice President or the President pro tempore of the Senate, two of whom are members of the Committee on Appropriations of the Senate;

(3) the chairman of the Committee on Armed Services of the House of Representatives, or his designee;

(4) four other members of the House of Representatives designated by the Speaker of the House of Representatives two of whom are members of the Committee on Appropriations of the House of Representatives; and

(5) six persons designated by the President.

(b) The persons designated by the President serve for three year each except that any member whose term of office has expired shall continue to serve until his successor is appointed. The President shall designate two persons each year to succeed the members whose terms expire that year.

(c) If a member of the Board dies or resigns, a successor shall be designated for the unexpired portion of the term by the official who designated the member.

(d) The Board shall visit the Academy annually. With the approval of the Secretary of the Air Force, the Board or its members may make other visits to the Academy in connection with the duties of the Board or to consult with the Superintendent of the Academy.

(e) The Board shall inquire into the morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy which the Board decides to consider.

(f) Within 60 days after its annual visit, the Board shall submit a written report to the President of its action, and of its views and recommendations pertaining to the Academy. Any report of a visit, other than the annual visit, shall, if approved by a majority of the members of the Board, be submitted to the President within 60 days after the approval.

(g) Upon approval by the Secretary, the Board may call in advisers for consultation.

(h) While performing his duties, each member of the Board and each adviser is entitled to not more than $5 a day and shall be reimbursed under Government travel regulations for his travel expenses. (Aug. 10, 1956, ch. 1041, 70A Stat. 567; Dec. 23, 1980, Pub. L. 96-579, § 13(c), 94 Stat. 3369.)

TITLE 12.—BANKS AND BANKING

Chapter 3.—FEDERAL RESERVE SYSTEM

445 § 303. Qualifications and disabilities [of members of Board of Governors of Federal Reserve System].

No Senator * * * shall be a member of the Board of Governors of the Federal Reserve System or an officer or a director of a Federal Reserve bank. * * * (Dec. 23, 1913, ch. 6, § 4, 38 Stat. 254; Aug. 23, 1935, ch. 614, § 203(a), 49 Stat. 704.)

TITLE 14.—COAST GUARD

Chapter 9.—COAST GUARD ACADEMY

§194. Annual Board of Visitors. 446

(a) In addition to the Advisory Committee, there shall be appointed in January of each year a Board of Visitors to the Academy, consisting of two Senators and three Members of the House of Representatives, appointed by the chairman of the committees of the Senate and House of Representatives, respectively, having cognizance of legislation pertaining to the Academy, the chairmen of said committees being ex officio members of the Board, and of one Senator and two Members of the House of Representatives appointed by the President of the Senate and the Speaker of the House of Representatives, respectively. Whenever a member or an ex officio member is unable to attend the annual meeting as provided in this section another member may be appointed in his stead in the manner as herein provided but without restriction as to month of appointment.

(b) Such Board shall visit the Academy annually on a date to be fixed by the Secretary. Each member of the Board shall be reimbursed from Coast Guard appropriations under Government travel regulations for the actual expense incurred by him while engaged in duties as a member of such Board, or such actual expenses as permitted under such regulations shall be defrayed by the Coast Guard. (Aug. 4, 1949, ch. 393, § 1, 63 Stat. 510.)

TITLE 15.—COMMERCE AND TRADE

Chapter 21.—NATIONAL POLICY ON EMPLOYMENT

446.5 **§ 1022. Economic Report of President; coverage; supplementary reports; reference to congressional joint committee; percentage rate of unemployment; definitions.**

(a) The President shall transmit to the Congress during the first twenty days of each regular session, with copies transmitted to the Governor of each State and to other appropriate State and local officials, an economic report (hereinafter in this chapter referred to as the "Economic Report") together with the annual report of the Council of Economic Advisers submitted in accord with section 1023(c) of this title, setting forth—

(1) the current and foreseeable trends in the levels of employment, unemployment, production, capital formation, real income, Federal budget outlays and receipts, productivity, international trade and payments, and prices, and a review and analysis of recent domestic and international developments affecting economic trends in the Nation;

(2)(A) annual numerical goals for employment and unemployment, production, real income, productivity, Federal outlays as a proportion of gross national product, and prices for the calendar year in which the Economic Report is transmitted and for the following calendar year, designated as short-term goals, which shall be consistent with achieving as rapidly as feasible the goals of full employment and production, increased real income, balanced growth, fiscal policies that would establish the share of an expanding gross national product accounted for by Federal outlays at the lowest level consistent with national needs and priorities, a balanced Federal budget, adequate productivity growth, price stability, achievement of an improved trade balance, and proper attention to national priorities; and

(B) annual numerical goals as specified in subparagraph (A) for the three successive calendar years, designated as medium term goals;

(3) employment objectives for certain significant subgroups of the labor force, including youth, women, minorities, handicapped persons, veterans, and middle-aged and older persons; and

(4) a program for carrying out the policy declared in section 1021 of this title, together with such recommendations for legislation as the President may deem necessary or desirable.

(b) The President may transmit from time to time to the Congress reports supplementary to the Economic Report, each of which shall include such supplementary or revised recommendations as he may deem necessary or desirable to achieve the policy declared in section 1021 of this title.

(c) The Economic Report, and all supplementary reports transmitted under subsection (b) of this section, shall, when transmitted to Congress, be referred to the joint committee created by section 1024 of this title.

(d) For the purposes of the Full Employment and Balanced Growth Act of 1978, the percentage rate of unemployment as a percentage of the civilian labor force as set forth by the Bureau of Labor Statistics in the Department of Labor as computed under the procedures in effect as of October 27, 1978.

(e) For the purpose of the Full Employment and Balanced Growth Act of 1978, the terms "inflation", "prices", and "reasonable price stability" refer to the rate of change or level of the consumer price index as set forth by the Bureau of Labor Statistics, United States Department of Labor. (Feb. 20, 1946, ch. 33, §3, 60 Stat. 24; Aug. 2, 1946, ch. 753, §226, 60 Stat. 838; June 18, 1956, ch. 399, §1, 70 Stat. 289; Oct. 27, 1978, §103, 92 Stat. 1892; May 10, 1979, §6(d), 93 Stat. 24.)

§1024. Joint Economic Committee. 447

(a) There is established a Joint Economic Committee, to be composed of ten Members of the Senate, to be appointed by the President of the Senate, and ten Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives. In each case, the majority party shall be represented by six Members and the minority party shall be represented by four Members. 447.1

(b) It shall be the function of the joint committee— 447.2

(1) to make a continuing study of matters relating to the Economic Report;

(2) to study means of coordinating programs in order to further the policy of this chapter; and

(3) as a guide to the several committees of the Congress dealing with legislation relating to the Economic Report, not later than March 1 of each year (beginning with the year 1947) to file a report with the Senate and the House of Representatives containing its findings and recommendations with respect to each of the main recommendations made by the President in the Ecomonic Report, and from time to time to make such other reports and recommendations to the Senate and House of Representatives as it deems advisable.

(c) Vacancies in the membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner as in the case of the original selection. The joint committee shall select a chairman and a vice chairman from among its members. 447.3

(d) The joint committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings as it deems advisable, and, within the limitations of its appropriations, the joint committee is empowered to appoint and fix the compensation of such experts, consultants, technicians, and clerical and stenographic assistants, to procure such printing and binding, and to make such expenditures, as it deems necessary and advisable. The cost of stenographic services to report hearings of the joint committee, or any subcommittee thereof, shall not exceed 25 cents per hundred words. The joint committee is authorized to utilize the 447.4

services, information, and facilities of the departments and establishments of the Government, and also of private research agencies.

447.5 (e) To enable the joint committee to exercise its powers, functions, and duties there are authorized to be appropriated for each fiscal year such sums as may be necessary, to be disbursed by the Secretary of the Senate on vouchers signed by the chairman or vice chairman, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

447.6 (f) Service of one individual, until the completion of the investigation authorized by Senate Concurrent Resolution 26, Eighty-first Congress, as an attorney or expert for the joint committee, in any business or professional field, on a part-time basis, with or without compensation, shall not be considered as service or employment bringing such individual within the provisions of sections 281, 283, or 284 of Title 18, or of any other Federal law imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with any claim, proceeding, or matter involving the United States. (Feb. 20, 1946, ch. 33, § 5, 60 Stat. 25; Aug. 2, 1946, ch. 753, § 225, 60 Stat. 838; Feb. 2, 1948, ch. 42, 62 Stat. 16, Oct. 6, 1949, ch. 627, §§ 1, 2, 63 Stat. 721; June 18, 1956, ch. 399, § 2, 70 Stat. 290; Feb. 17, 1959, Pub. L. 86-1, 73 Stat. 3; Oct. 13, 1964, Pub. L. 88-661, 78 Stat. 1093; Jan. 25, 1967, Pub. L. 90-2, 81 Stat. 4; Dec. 27, 1974, Pub. L. 93-554, § 101, 88 Stat. 1776.) (Note: Section 5 of act of February 20, 1946, c. 33, 60 Stat. 25 was redesignated Section 11 by Pub. L. 95-523, Title I, § 104, Oct. 27, 1978, 92 Stat. 1893.)

448 § 1025. Same; printing of monthly publication entitled "Economic Indicators"; distribution.

The Joint Economic Committee is authorized to issue a monthly publication entitled "Economic Indicators", and a sufficient quantity shall be printed to furnish one copy to each Member of Congress; the Secretary and the Sergeant at Arms of the Senate; the Clerk, Sergeant at Arms, and Doorkeeper of the House of Representatives; two copies to the libraries of the Senate and House, and the Congressional Library; seven hundred copies to the Joint Economic Committee; and the required number of copies to the Superintendent of Documents for distribution to depository libraries; and the Superintendent of Documents is authorized to have copies printed for sale to the public. (June 23, 1949, ch. 237, 63 Stat. 264.)

TITLE 18.—CRIMES AND CRIMINAL PROCEDURE

Chapter 11.—BRIBERY, GRAFT, AND CONFLICTS OF INTEREST

§ 201. Bribery of public officials and witnesses. 450

(a) For the purpose of this section—

(1) the term "public official" means Member of Congress, Delegate, or Resident Commissioner, either before or after such official has qualified, or an officer or employee or person acting for or on behalf of the United States, or any department, agency or branch of Government thereof, including the District of Columbia, in any official function, under or by authority of any such department, agency, or branch of Government, or a juror;

(2) the term "person who has been selected to be a public official" means any person who has been nominated or appointed to be a public official, or has been officially informed that such person will be so nominated or appointed; and

(3) the term "official act" means any decision or action on any question, matter, cause, suit, proceeding or controversy, which may at any time be pending, or which may by law be brought before any public official, in such official's official capacity, or in such official's place of trust or profit.

(b) Whoever—

(1) directly or indirectly, corruptly gives, offers or promises anything of value to any public official or person who has been selected to be a public official, or offers or promises any public official or any person who has been selected to be a public official to give anything of value to any other person or entity, with intent—

(A) to influence any official act; or

(B) to influence such public official or person who has been selected to be a public official to commit or aid in committing, or collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States; or

(C) to induce such public official or such person who has been selected to be a public official to do or omit to do any act in violation of the lawful duty of such official or person;

(2) being a public official or person selected to be a public official, directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person or entity, in return for—

(A) being influenced in the performance of any official act;

(B) being influenced to commit or aid in committing, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States; or

(C) being induced to do or omit to do any act in violation of the official duty of such official or person;

(3) directly or indirectly, corruptly gives, offers, or promises anything of value to any person, or offers or promises such person to

give anything of value to any other person or entity, with intent to influence the testimony under oath or affirmation of such first-mentioned person as a witness upon a trial, hearing, or other proceeding, before any court, any committee of either House or both Houses of Congress, or any agency, commission, or officer authorized by the laws of the United States to hear evidence or take testimony, or with intent to influence such person to absent himself therefrom;

(4) directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person or entity in return for being influenced in testimony under oath or affirmation as a witness upon any such trial, hearing, or other proceeding, or in return for absenting himself therefrom;

shall be fined not more than three times the monetary equivalent of the thing of value, or imprisoned for not more than fifteen years, or both, and may be disqualified from holding any office of honor, trust, or profit under the United States.

(c) Whoever—

(1) otherwise than as provided by law for the proper discharge of official duty—

(A) directly or indirectly gives, offers, or promises anything of value to any public official, former public official, or person selected to be a public official, for or because of any official act performed or to be performed by such public official, former public official, or person selected to be a public official; or

(B) being a public official, former public official, or person selected to be a public official, otherwise than as provided by law for the proper discharge of official duty, directly or indirectly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally for or because of any official act performed or to be performed by such official or person;

(2) directly or indirectly, gives, offers, or promises anything of value to any person, for or because of the testimony under oath or affirmation given or to be given by such person as a witness upon a trial, hearing, or other proceeding, before any court, any committee of either House or both Houses of Congress, or any agency, commission, or officer authorized by the laws of the United States to hear evidence or take testimony, or for or because of such person's absence therefrom;

(3) directly or indirectly, demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally for or because of the testimony under oath or affirmation given or to be given by such person as a witness upon any such trial, hearing, or other proceeding, or for or because of such person's absence therefrom;

shall be fined under this title or imprisoned for not more than two years, or both.

(d) Paragraphs (3) and (4) of subsection (b) and paragraphs (2) and (3) of subsection (c) shall not be construed to prohibit the payment or receipt of witness fees provided by law, or the payment, by the party upon whose behalf a witness is called and receipt by a witness, of the reasonable cost of travel and subsistence incurred and the reasonable value of time lost in attendance at any such trial, hearing, or proceeding, or in the case of expert witnesses, a reasonable fee for time spent in the preparation of such opinion, and in appearing and testifying.

(c) The offenses and penalties prescribed in this section are separate from and in addition to those prescribed in sections 1503, 1504, and 1505 of this title. (Oct. 23, 1962; Pub. L. 87-849, § 1(a), 76 Stat. 1119, and amended Pub. L. 91-405, Title II, § 204(d)(1), Sept. 22, 1970, 84 Stat. 853; Pub. L. 99-646, § 46(a), Nov. 10, 1986, 100 Stat. 3601-3604.)

§ 202. Definitions. 451

(a) For the purpose of sections 203, 205, 207, 208, and 209 of this title the term "special Government employee" shall mean an officer or employee of the executive or legislative branch of the United States Government, of any independent agency of the United States or of the District of Columbia, who is retained, designated, appointed, or employed to perform, with or without compensation, for not to exceed one hundred and thirty days during any period of three hundred and sixty-five consecutive days, temporary duties either on a full-time or intermittent basis, or a part-time United States commissioner, a part-time United States magistrate, or, regardless of the number of days of appointment, an independent counsel appointed under chapter 40 of title 28 and any person appointed by that independent counsel under section 594(c) of title 28. Notwithstanding the next preceding sentence, every person serving as a part-time local representative of a Member of Congress in the Member's home district or State shall be classified a special Government employee. Notwithstanding section 29 (c) and (d) of the Act of August 10, 1956 (70A Stat. 632; 5 U.S.C. 30r (c) and (d)),[1] a Reserve Officer of the Armed Forces, or an officer of the National Guard of the United States, unless otherwise an officer or employee of the United States, shall be classified as a special Government employee while on active duty solely for training. A Reserve officer of the Armed Forces or an officer of the National Guard of the United States who is voluntarily serving a period of extended active duty in excess of one hundred and thirty days shall be classified as an officer of the United States within the meaning of section 203 and sections 205 through 209 and 218. A Reserve officer of the Armed Forces or an officer of the National Guard of the United States who is serving involuntarily shall be classified as a special Government employee. The terms "officer or employee" and "special Government employee" as used in sections 203, 205, 207 through 209, and 218, shall not include enlisted members of the Armed Forces.

(b) For the purposes of sections 205 and 207 of this title, the term "official responsibility" means the direct administrative or operating authority, whether intermediate or final, and either exercisable alone or with others, and either personally or through subordinates, to approve, disapprove, or otherwise direct Government action. (June 25, 1948, ch. 645, § 1, 62 Stat. 691; Oct. 23, 1962, Pub. L. 87-849, 76 Stat. 1121; Oct. 17, 1968, Pub. L. 90-578, § 301(b), 82 Stat. 1115; Pub. L. 100-191, § 3(a), Dec. 15, 1987, 101 Stat. 1306.)

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[1] Section 30r (c) and (d) of title 5, United States Code, is now contained in sections 502, 2105(d), and 5534 of that title.

452 § 203. Compensation to Members of Congress, officers, and others in matters affecting the Government.

(a) Whoever, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly—

(1) demands, seeks, receives, accepts, or agrees to receive or accept any compensation for any services rendered or to be rendered either personally or by another—

(A) at a time when such person is a Member of Congress, Member of Congress Elect, Delegate, Delegate Elect, Resident Commissioner, or Resident Commissioner Elect; or

(B) at a time when such person is an officer or employee of the United States in the executive, legislative, or judicial branch of the Government, or in any agency of the United States, including the District of Columbia,

in relation to any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the United States is a party or has a direct and substantial interest, before any department, agency, court-martial, officer, or any civil, military, or naval commission; or

(2) knowingly gives, promises, or offers any compensation for any such services rendered or to be rendered at a time when the person to whom the compensation is given, promised, or offered, is or was such a Member, Delegate, Commissioner, officer, or employee;

shall be fined under this title or imprisoned for not more than two years, or both; and shall be incapable of holding any office of honor, trust, or profit under the United States.

(b) A special Government employee shall be subject to subsection (a) only in relation to a particular matter involving a specific party or parties—

(1) in which such employee has at any time participated personally and substantially as a Government employee or as a special Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, or

(2) which is pending in the department or agency of the Government in which such employee is serving except that paragraph (2) of this subsection shall not apply in the case of a special Government employee who has served in such department or agency no more than sixty days during the immediately preceding period of three hundred and sixty-five consecutive days.

(Oct. 23, 1962, Pub. L. 87-849, § 1(a), 76 Stat. 1121, and amended Pub. L. 91-405, Title II, § 204(d)(2), (3), Sept. 22, 1970, 84 Stat. 853; Pub. L. 99-646, § 47(a), Nov. 10, 1986, 100 Stat. 3604, 3605.)

453 § 204. Practice in United States Claims Court or the United States Court of Appeals for the Federal Circuit by Members of Congress.

Whoever, being a Member of Congress, Member of Congress Elect, Delegate from the District of Columbia, Delegate Elect from the District of Columbia, Resident Commissioner, or Resident Commissioner Elect, practices in the United States Claims Court or the United States Court of Appeals for the Federal Circuit, shall be fined not more than $10,000 or imprisoned for not more than two years, or both, and shall be incapable of holding any office of honor, trust, or profit under the United

States. (June 25, 1948, ch. 645, 62 Stat. 697; Oct. 23, 1962; Pub. L. 87-849, 76 Stat. 1122; Sept. 22, 1970; Pub. L. 91-405, § 204(d), 84 Stat. 853; Pub. L. 97-164, § 147, Apr. 2, 1982, 96 Stat. 45.)

§ 205. Activities of officers and employees in claims against and other matters affecting the Government. 454

Whoever, being an officer or employee of the United States in the executive, legislative, or judicial branch of the Government or in any agency of the United States, including District of Columbia, otherwise than in the proper discharge of his official duties—

(1) acts as agent or attorney for prosecuting any claim against the United States, or receives any gratuity, or any share of or interest in any such claim in consideration of assistance in the prosecution of such claim, or

(2) acts as agent or attorney for anyone before any department, agency, court, court-martial, officer, or any civil, military, or naval commission in connection with any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the United States is a party or has a direct and substantial interest—

shall be fined not more than $10,000 or imprisoned for not more than two years, or both.

A special Government employee shall be subject to the preceding paragraphs only in relation to a particular matter involving a specific party or parties (1) in which he has at any time participated personally and substantially as a Government employee or as a special Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, or (2) which is pending in the department or agency of the Government in which he is serving: *Provided*, That clause (2) shall not apply in the case of a special Government employee who has served in such department or agency no more than sixty days during the immediately preceding period of three hundred and sixty-five consecutive days.

Nothing herein prevents an officer or employee, if not inconsistent with the faithful performance of his duties, from acting without compensation as agent or attorney for any person who is the subject of disciplinary, loyalty, or other personnel administration proceedings in connection with those proceedings.

Nothing herein or in section 203 prevents an officer or employee, including a special Government employee, from acting, with or without compensation, as agent or attorney for his parents, spouse, child, or any person for whom, or for any estate for which, he is serving as guardian, executor, administrator, trustee, or other personal fiduciary except in those matters in which he has participated personally and substantially as a Government employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, or which are the subject of his official responsibility, provided that the Government official responsible for appointment to his position approves.

Nothing herein or in section 203 prevents a special Government employee from acting as agent or attorney for another person in the performance of work under a grant by, or a contract with or for the benefit of, the United States provided that the head of the department or agency concerned with the grant or contract shall certify in writing that the national interest so requires.

Such certification shall be published in the Federal Register.

Nothing herein prevents an officer or employee from giving testimony under oath or from making statements required to be made under penalty for perjury or contempt. (June 25, 1948, ch. 645, 62 Stat. 697; June 28, 1949, ch. 268, § 2(b), 63 Stat. 280; Oct. 23, 1962, Pub. L. 87-849, 76 Stat. 1122.)

455 **§ 210. Offer to procure appointive public office.**

Whoever pays or offers or promises any money or thing of value to any person, firm, or corporation in consideration of the use or promise to use any influence to procure any appointive office or place under the United States for any person, shall be fined not more than $1,000 or imprisoned not more than one year, or both. (June 25, 1948, ch. 645, § 1, 62 Stat. 694; Oct. 23, 1962, Pub. L. 87-849, § 1(b), 76 Stat. 1125.)

456 **§ 211. Acceptance or solicitation to obtain appointive public office.**

Whoever solicits or receives, either as a political contribution, or for personal emolument, any money or thing of value, in consideration of the promise of support or use of influence in obtaining for any person any appointive office or place under the United States, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

Whoever solicits or receives any thing of value in consideration of aiding a person to obtain employment under the United States either by referring his name to an executive department or agency of the United States or by requiring the payment of a fee because such person has secured such employment shall be fined not more than $1,000, or imprisoned not more than one year, or both. This section shall not apply to such services rendered by an employment agency pursuant to the written request of an executive department or agency of the United States. (June 25, 1948, ch. 645, § 1, 62 Stat. 694; Sept. 13, 1951, ch. 380, 65 Stat. 320; Oct. 23, 1962, Pub. L. 87-849, § 1(b), 76 Stat. 1125.)

Chapter 18.—CONGRESSIONAL, CABINET, AND SUPREME COURT ASSASSINATION, KIDNAPING, AND ASSAULT

458 **§ 351. Congressional, Cabinet, and Supreme Court assassination, kidnaping, and assault; penalties.**

(a) Whoever kills any individual who is a Member of Congress or a Member-of-Congress-elect, a member of the executive branch of the Government who is the head, or a person nominated to be head during the pendency of such nomination, of a department listed in section 101 of title 5 or the second ranking official in such department, the Director (or a person nominated to be Director during the pendency of such nomination) or Deputy Director of Central Intelligence, a major Presidential or Vice Presidential candidate (as defined in section 3056 of this title), or a Justice of the United States, as defined in section 451 of title 28, or a person nominated to be a Justice of the United States, during the pendency of such nomination, shall be punished as provided by sections 1111 and 1112 of this title.

(b) Whoever kidnaps any individual designated in subsection (a) of this section shall be punished (1) by imprisonment for any term of years or for life, or (2) by death or imprisonment for any term of years or for life, if death results to such individual.

(c) Whoever attempts to kill or kidnap any individual designated in subsection (a) of this section shall be punished by imprisonment for any term of years or for life.

(d) If two or more persons conspire to kill or kidnap any individual designated in subsection (a) of this section and one or more of such persons do any act to effect the object of the conspiracy, each shall be punished (1) by imprisonment for any term of years or for life, or (2) by death or imprisonment for any term of years or for life, if death results to such individual.

(e) Whoever assaults any person designated in subsection (a) of this section shall be fined not more than $5,000, or imprisoned not more than one year, or both; and if personal injury results, shall be fined not more than $10,000, or imprisoned for not more than ten years, or both.

(f) If Federal investigative or prosecutive jurisdiction is asserted for a violation of this section, such assertion shall suspend the exercise of jurisdiction by a State or local authority, under any applicable State or local law, until Federal action is terminated.

(g) Violations of this section shall be investigated by the Federal Bureau of Investigation. Assistance may be requested from any Federal, State, or local agency, including the Army, Navy, and Air Force, any statute, rule, or regulation to the contrary notwithstanding.

(h) In a prosecution for an offense under this section the Government need not prove that the defendant knew that the victim of the offense was an official protected by this section.

(i) There is extraterritorial jurisdiction over the conduct prohibited by this section. (Jan. 2, 1971, Pub. L. 91-644, § 15, 84 Stat. 1891; Pub. L. 97-285, §§ 1, 2(a), Oct. 6, 1982, 96 Stat. 1219; Pub. L. 99-646, § 62, Nov. 10, 1986, 100 Stat. 3614; Pub. L. 100-690, § 7074, Nov. 18, 1988, 102 Stat. 4405.)

Chapter 23.—CONTRACTS

§ 431. Contracts by Members of Congress. 460

Whoever, being a Member of or Delegate to Congress, or a Resident Commissioner, either before or after he has qualified, directly or indirectly, himself, or by any other person in trust for him, or for his use or benefit, or on his account, undertakes, executes, holds, or enjoys, in whole or in part, any contract or agreement, made or entered into in behalf of the United States or any agency thereof, by any officer or person authorized to make contracts on its behalf, shall be fined not more than $3,000.

All contracts or agreements made in violation of this section shall be void; and whenever any sum of money is advanced by the United States or any agency thereof, in consideration of any such contract or agreement, it shall forthwith be repaid; and in case of failure or refusal to repay the same when demanded by the proper officer of the department or agency under whose authority such contract or agreement shall have been made or entered into, suit shall at once be brought against the person so failing or refusing and his sureties for the recovery of the money so advanced. (June 25, 1948, ch. 645, § 1, 62 Stat. 702; Oct. 31, 1951, ch. 655, § 19, 65 Stat. 717.)

461 **§ 432. Officer or employee contracting with Member of Congress.**

Whoever, being an officer or employee of the United States, on behalf of the United States or any agency thereof, directly or indirectly makes or enters into any contract, bargain, or agreement, with any Member of or Delegate to Congress, or any Resident Commissioner, either before or after he has qualified, shall be fined not more than $3,000. (June 25, 1948, ch. 645, § 1, 62 Stat. 702.)

462 **§ 433. Exemptions with respect to certain contracts.**

Sections 431 and 432 of this title shall not extend to any contract or agreement made or entered into, or accepted by any incorporated company for the general benefit of such corporation; nor to the purchase or sale of bills of exchange or other property where the same are ready for delivery and payment therefor is made at the time of making or entering into the contract or agreement. Nor shall the provisions of such section apply to advances, loans, discounts, purchase or repurchase agreements extensions, or renewals thereof, or acceptances, releases or substitutions of security therefor or other contracts or agreements made or entered into under the Reconstruction Finance Corporation Act, the Agricultural Adjustment Act, the Federal Farm Loan Act, the Emergency Farm Mortgage Act of 1933, the Farm Credit Act of 1933, or the Home Owners Loan Act of 1933, the Farmers' Home Administration Act of 1946, the Bankhead-Jones Farm Tenant Act, or to crop insurance agreements or contracts or agreements of a kind which the Secretary of Agriculture may enter into with farmers.

Any exemption permitted by this section shall be made a matter of public record. (June 25, 1948, ch. 645, § 1, 62 Stat. 703; Oct. 4, 1961, Pub. L. 87-353, § 3(o), 75 Stat. 774.)

Chapter 29.—ELECTIONS AND POLITICAL ACTIVITIES

§ 591. (Repealed.)

462.1-1 **§ 594. Intimidation of voters.**

Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, at any election held solely or in part for the purpose of electing such candidate, shall be fined not more than $1,000 or imprisoned not more than one year, or both. (June 25, 1948, ch. 645, 62 Stat. 720; Sept. 22, 1970, Pub. L. 91-405, Title II, § 204(d)(5), 84 Stat. 853.)

462.1-2 **§ 595. Interference by administrative employees of Federal, State, or Territorial Governments.**

Whoever, being a person employed in any administrative position by the United States, or by any department or agency thereof, or by the District of Columbia, or any agency or instrumentality thereof, or by any

State, Territory, or Possession of the United States, or any political subdivision, municipality, or agency thereof, or agency of such political subdivision or municipality (including any corporation owned or controlled by any State, Territory, or Possession of the United States or by any such political subdivision, municipality, or agency), in connection with any activity which is financed in whole or in part by loans or grants made by the United States, or any department or agency thereof, uses his official authority for the purpose of interfering with, or affecting, the nomination or the election of any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

This section shall not prohibit or make unlawful any act by any officer or employee of any educational or research institution, establishment, agency, or system which is supported in whole or in part by any state or political subdivision thereof, or by the District of Columbia or by any Territory or Possession of the United States; or by any recognized religious, philanthropic or cultural organization. (June 25, 1948, ch. 645, 62 Stat. 720; Sept. 22, 1970, Pub. L. 91-405, Title II, § 204(d)(6), 84 Stat. 853.)

§ 597. Expenditures to influence voting. 462.2

Whoever makes or offers to make an expenditure to any person, either to vote or withhold his vote, or to vote for or against any candidate; and

Whoever solicits, accepts, or receives any such expenditure in consideration of his vote or the withholding of his vote—

Shall be fined not more than $1,000 or imprisoned not more than one year, or both; and if the violation was willful, shall be fined not more than $10,000 or imprisoned not more than two years, or both. (June 25, 1948, ch. 645, 62 Stat. 721.)

§ 598. Coercion by means of relief appropriations. 462.3

Whoever uses any part of any appropriation made by Congress for work relief, relief, or for increasing employment by providing loans and grants for public-works projects, or exercises or administers any authority conferred by any Appropriations Act for the purpose of interfering with, restraining, or coercing any individual in the exercise of his right to vote at any election, shall be fined not more than $1,000 or imprisoned not more than one year, or both. (June 25, 1948, ch. 645, 62 Stat. 721.)

§ 599. Promise of appointment by candidate. 462.4

Whoever, being a candidate, directly or indirectly promises or pledges the appointment, or the use of his influence or support for the appointment of any person to any public or private position or employment, for the purpose of procuring support in his candidacy shall be fined not more than $1,000 or imprisoned not more than one year, or both; and if the violation was willful, shall be fined not more than $10,000 or imprisoned not more than two years, or both. (June 25, 1948, ch. 645, 62 Stat. 721.)

§ 600. Promise of employment or other benefit for political activity. 462.5

Whoever, directly or indirectly, promises any employment, position, compensation, contract, appointment, or other benefit, provided for or made possible in whole or in part by any Act of Congress, or any special consideration in obtaining any such benefit, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in connection with any general or special election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, shall be fined not more than $10,000 or imprisoned not more than one year, or both. (June 25, 1948, ch. 645, 62 Stat. 721; Feb. 7, 1972, Pub. L. 92-225, § 202, 86 Stat 9; Oct. 2, 1976, Pub. L. 94-453, § 3, 90 Stat. 1517.)

462.6 **§ 601. Deprivation of employment or other benefit for political contribution.**

(a) Whoever, directly or indirectly, knowingly causes or attempts to cause any person to make a contribution of a thing of value (including services) for the benefit of any candidate or any political party, by means of the denial or deprivation, or the threat of the denial or deprivation, of—

(1) any employment, position, or work in or for any agency or other entity of the Government of the United States, a State, or a political subdivision of a State, or any compensation or benefit of such employment, position, or work; or

(2) any payment or benefit of a program of the United States, a State, or a political subdivision of a State;

if such employment, position, work, compensation, payment, or benefit is provided for or made possible in whole or in part by an Act of Congress, shall be fined not more than $10,000, or imprisoned not more than one year, or both.

(b) As used in this section—

(1) the term "candidate" means an individual who seeks nomination for election, or election, to Federal, State, or local office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, to Federal, State, or local office, if he has (A) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, or (B) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

(2) the term "election" means (A) a general, special primary, or runoff election, (B) a convention or caucus of political party held to nominate a candidate, (C) a primary election held for the selection of delegates to a nominating convention of a political party, (D) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (E) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States or of any State; and

(3) the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States. (Oct. 2, 1976, Pub. L. 94-453, § 1, 90 Stat. 1516.)

§ 602. Solicitation of political contributions. 462.7

It shall be unlawful for—

(1) a candidate for the Congress;

(2) an individual elected to or serving in the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress;

(3) an officer or employee of the United States or any department or agency thereof; or

(4) a person receiving any salary or compensation for services from money derived from the Treasury of the United States to knowingly solicit, any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 from any other such officer, employee, or person. Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than three years, or both. (June 25, 1948, Ch. 645, 62 Stat. 722; Jan. 8, 1980, Pub. L. 96-187, Title II, § 201(a)(3), 93 Stat. 1367.)

§ 603. Making political contributions. 462.8

(a) It shall be unlawful for an officer or employee of the United States or any department or agency thereof, or a person receiving any salary or compensation for services from money derived from the Treasury of the United States, to make any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 to any other such officer, employee or person or to any Senator or Representative in, or Delegate or Resident Commissioner to, the Congress, if the person receiving such contribution is the employer or employing authority of the person making the contribution. Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than three years, or both.

(b) For purposes of this section, a contribution to an authorized committee as defined in section 302(e)(1) of the Federal Election Campaign Act of 1971 shall be considered a contribution to the individual who has authorized such committee. (June 25, 1948, Ch. 645, 62 Stat. 722; Oct. 31, 1951, Ch. 655, § 20(b), 65 Stat. 718; Jan. 8, 1980, Pub. L. 96-187, Title II, § 201(a)(4), 93 Stat. 1367.)

§ 604. Solicitation from persons on relief. 462.9

Whoever solicits or receives or is in any manner concerned in soliciting or receiving any assessment, subscription, or contribution for any political purpose from any person known by him to be entitled to, or receiving compensation, employment, or other benefit provided for or made possible by any Act of Congress appropriating funds for work relief or relief purposes, shall be fined not more than $1,000 or imprisoned not more than one year, or both. (June 25, 1948, ch. 645, 62 Stat. 722.)

§ 605. Disclosure of names of persons on relief. 462.10

Whoever, for political purposes, furnishes or discloses any list or names of persons receiving compensation, employment or benefits provided for or made possible by any Act of Congress appropriating, or authorizing the appropriation of funds for work relief or relief purposes, to a political candidate, committee, campaign manager, or to any person for delivery to a political candidate, committee, or campaign manager; and

Whoever receives any such list or names for political purposes—
shall be fined not more than $1,000 or imprisoned not more than one year, or both. (June 25, 1948, ch. 645, 62 Stat. 722.)

462.11 **§ 606. Intimidation to secure political contributions.**

Whoever, being one of the officers or employees of the United States mentioned in section 602 of this title, discharges, or promotes, or degrades, or in any manner changes the official rank or compensation of any other officer or employee, or promises or threatens so to do, for giving or withholding or neglecting to make any contribution of money or other valuable thing for any political purpose, shall be fined not more than $5,000 or imprisoned not more than three years, or both. (June 25, 1948, ch. 645, 62 Stat. 722.)

462.12 **§ 607. Place of solicitation.**

(a) It shall be unlawful for any person to solicit or receive any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 in any room or building occupied in the discharge of official duties by any person mentioned in section 603, or in any navy yard, fort, or arsenal. Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than three years, or both.

(b) The prohibition in subsection (a) shall not apply to the receipt of contributions by persons on the staff of a Senator or Representative in, or Delegate or Resident Commissioner to, the Congress, provided, that such contributions have not been solicited in any manner which directs the contributor to mail or deliver a contribution to any room, building, or other facility referred to in subsection (a), and provided that such contributions are transferred within seven days of receipt to a political committee within the meaning of section 302(e) of the Federal Election Campaign Act of 1971. (June 25, 1948, ch. 645, 62 Stat. 722; Jan. 8, 1980, Pub. L. 96-187, Title II, § 201(a)(5), 93 Stat. 1367.)

§ 610. (Repealed.)

§ 611. (Repealed.)

§ 612. (Repealed.)

§ 613. (Repealed.)

§ 614. (Repealed.)

§ 615. (Repealed.)

§ 616. (Repealed.)

§ 617. (Repealed.)

Chapter 37.—ESPIONAGE AND CENSORSHIP

462.19 **§ 798. Disclosure of classified information.**

(a) Whoever knowingly and willfully communicates, furnishes, transmits, or otherwise makes available to an unauthorized person, or publishes, or uses in any manner prejudicial to the safety or interest of the United States or for the benefit of any foreign government to the detriment of the United States any classified information—

(1) concerning the nature, preparation, or use of any code, cipher, or cryptographic system of the United States or any foreign government; or

(2) concerning the design, construction, use, maintenance, or repair of any device, apparatus, or appliance used or prepared or planned for use by the United States or any foreign government for cryptographic or communication intelligence purposes; or

(3) concerning the communication intelligence activities of the United States or any foreign government; or

(4) obtained by the processes of communication intelligence from the communications of any foreign government, knowing the same to have been obtained by such processes—

Shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

(b) As used in subsection (a) of this section—

The term "classified information" means information which, at the time of a violation of this section, is, for reasons of national security, specifically designated by a United States Government Agency for limited or restricted dissemination or distribution;

The terms "code," "cipher," and "cryptographic system" include in their meanings, in addition to their usual meanings, any method of secret writing and any mechanical or electrical devise or method used for the purpose of disguising or concealing the contents, significance, or meanings of communications;

The term "foreign government" includes in its meaning any person or persons acting or purporting to act for or on behalf of any faction, party, department, agency, bureau, or military force of or within a foreign country, or for or on behalf of any government or any person or persons purporting to act as a government within a foreign country, whether or not such government is recognized by the United States;

The term "communication intelligence" means all procedures and methods used in the interception of communications and the obtaining of information from such communications by other than the intended recipients;

The term "unauthorized person" means any person who, or agency which, is not authorized to receive information of the categories set forth in subsection (a) of this section, by the President, or by the head of a department or agency of the United States Government which is expressly designated by the President to engage in communication intelligence activities for the United States.

(c) Nothing in this section shall prohibit the furnishing, upon lawful demand, of information to any regularly constituted committee of the Senate or House of Representatives of the United States of America, or joint committee thereof. (Oct. 31, 1951, ch. 655, § 24(a), 65 Stat. 719.)

Chapter 73.—OBSTRUCTION OF JUSTICE

§ 1505. Obstruction of proceedings before departments, agencies, and committees. 462.20

Whoever, with intent to avoid, evade, prevent, or obstruct compliance, in whole or in part, with any civil investigative demand duly and properly made under the Antitrust Civil Process Act, willfully withholds, misrepresents, removes from any place, conceals, covers up, destroys, mutilates, alters, or by other means falsifies any documentary material, answers to written interrogatories, or oral testimony, which is the subject of such demand; or attempts to do so or solicits another to do so; or

Whoever corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which any pending proceeding is being had before any department or agency of the United States, or the due and proper exercise of the power of inquiry under which any inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress—

Shall be fined not more than $5,000 or imprisoned not more than five years, or both. (June 25, 1948, ch. 645, 62 Stat. 770; Sept. 19, 1962, Pub. L. 87-664, § 6(a), 76 Stat. 551; Oct. 15, 1970, Pub. L. 91-452, § 903, 84 Stat. 947; Sept. 30, 1976, Pub. L. 94-435, § 105, 90 Stat. 1389; Oct. 12, 1982, Pub. L. 97-291, § 4(d), 76 Stat. 1253.)

Chapter 83.—POSTAL SERVICE

463 § 1719. Franking privilege.

Whoever makes use of any official envelope, label, or endorsement authorized by law, to avoid the payment of postage or registry fee on his private letter, packet, package, or other matter in the mail, shall be fined not more than $300. (June 25, 1948, ch. 645, § 1, 62 Stat. 783.)

Chapter 93.—PUBLIC OFFICERS AND EMPLOYEES

463.5 § 1906. Disclosure of information from a bank examination report.

Whoever, being an examiner, public or private, or a General Accounting Office employee with access to bank examination report information under section 714 of title 31, discloses the names of borrowers or the collateral for loans of any member bank of the Federal Reserve System, or bank insured by the Federal Deposit Insurance Corporation examined by him or subject to General Accounting Office audit under section 714 of title 31 to other than the proper officers of such bank, without first having obtained the express permission in writing from the Comptroller of the Currency as to a national bank, the Board of Governors of the Federal Reserve System as to a State member bank, or the Federal Deposit Insurance Corporation as to any other insured bank, or from the board of directors of such bank, except when ordered to do so by a court of competent jurisdiction, or by direction of the Congress of the United States, or either House thereof, or any committee of Congress or either House duly authorized or as authorized by section 714 of title 31 shall be fined not more than $5,000 or imprisoned not more than one year or both. (As amended July 21, 1978, Pub. L. 95-320, § 3, 92 Stat. 393; Sept. 13, 1982, Pub. L. 97-256, § 3(e)(1), 96 Stat. 1064.)

464 § 1913. Lobbying with appropriated moneys.

No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

Whoever, being an officer or employee of the United States or of any department or agency thereof, violates or attempts to violate this section, shall be fined not more than $500 or imprisoned not more than one year, or both; and after notice and hearing by the superior officer vested with the power of removing him, shall be removed from office or employment. (June 25, 1948, ch. 645, § 1, 62 Stat. 792.)

USE OF APPROPRIATED FUNDS FOR PUBLICITY DESIGNED TO SUPPORT OR DEFEAT LEGISLATION

The Treasury Postal Service, and General Government Appropriation Act, 1973 (Pub. L. 92-351; 86 Stat. 488) contains the following provision:

"SEC. 608. (a) No part of any appropriation contained in this or any other Act, or of the funds available for expenditure by any corporation or agency, shall be used for publicity or propaganda purposes designed to support or defeat legislation pending before Congress."

§ 1918. Disloyalty and asserting the right to strike against the Government. 464.1

Whoever violates the provision of section 7311 of title 5 that an individual may not accept or hold a position in the Government of the United States or the government of the District of Columbia, if he—

(1) advocates the overthrow of our constitutional form of government;

(2) is a member of an organization that he knows advocates the overthrow of our constitutional form of government;

(3) participates in a strike, or asserts the right to strike, against the Government of the United States or the government of the District of Columbia; or

(4) is a member of an organization of employees of the Government of the United States or of individuals employed by the government of the District of Columbia that he knows asserts the right to strike against the Government of the United States or the government of the District of Columbia;

shall be fined not more than $1,000 or imprisoned not more than one year and a day, or both. (Sept. 6, 1966; Pub. L. 89-554, § 3(d); 80 Stat. 609.)

Part V.—IMMUNITY OF WITNESSES

§ 6001. Definitions. 465.1

As used in this part—

(1) "agency of the United States" means any executive department as defined in section 101 of title 5, a military department as defined

in section 102 of title 5, the Atomic Energy Commission, the China Trade Act registrar appointed under 53 Stat. 1432 (15 U.S.C. sec. 143), the Civil Aeronautics Board, the Commodities Futures Trading Commission, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Maritime Commission, the Federal Power Commission, the Federal Trade Commission, the Interstate Commerce Commission, the National Labor Relations Board, the National Transportation Safety Board, the Railroad Retirement Board, an arbitration board established under 48 Stat. 1193 (45 U.S.C. sec. 157), the Securities and Exchange Commission, the Subversive Activities Control Board, or a board established under 49 Stat. 31 (15 U.S.C. sec. 715d);

(2) "other information" includes any book, paper, document, record, recording, or other material;

(3) "proceeding before an agency of the United States" means any proceeding before such an agency with respect to which it is authorized to issue subpenas and to take testimony or receive other information from witnesses under oath; and

(4) "court of the United States" means any of the following courts: the Supreme Court of the United States, a United States court of appeals, a United States district court established under chapter 5, title 28, a United States bankruptcy court established under chapter 6, title 28, United States Code, the District of Columbia Court of Appeals, the Superior Court of the District of Columbia, the District Court of Guam, the District Court of the Virgin Islands, the United States Claims Court, the Tax Court of the United States, the Court of International Trade, and the Court of Military Appeals. (Oct. 15, 1970, Pub. L. 91-452, § 201(a), 84 Stat. 926; Sept. 30, 1978, Pub. L. 95-405, § 25, 92 Stat. 877; Nov. 6, 1978, Pub. L. 95-598, Title III, § 314*l*, 92 Stat. 2678; Oct. 10, 1980, Pub. L. 96-417, Title VI, § 601(1), 94 Stat. 1744; Pub. L. 97-164, Title I, § 164(1), Apr. 2, 1982, 96 Stat. 50.)

465.2 § 6002. Immunity generally.

Whenever a witness refuses, on the basis of his privilege against self-incrimination, to testify or provide other information in a proceeding before or ancillary to—

(1) a court or grand jury of the United States,

(2) an agency of the United States, or

(3) either House of Congress, a joint committee of the two Houses, or a committee or a subcommittee of either House,

and the person presiding over the proceeding communicates to the witness an order issued under this part, the witness may not refuse to comply with the order on the basis of his privilege against self-incrimination; but no testimony or other information compelled under the order (or any information directly or indirectly derived from such testimony or other information) may be used against the witness in any criminal case, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with the order. (Oct. 15, 1970, Pub. L. 91-452, § 201(a), 84 Stat. 927.)

465.3 § 6005. Congressional proceedings.

(a) In the case of any individual who has been or may be called to testify or provide other information at any proceeding before either

House of Congress, or any committee, or any subcommittee of either House, or any joint committee of the two Houses, a United States district court shall issue, in accordance with subsection (b) of this section, upon the request of a duly authorized representative of the House of Congress or the committee concerned, an order requiring such individual to give testimony or provide other information which he refuses to give or provide on the basis of his privilege against self-incrimination, such order to become effective as provided in section 6002 of this part.

(b) Before issuing an order under subsection (a) of this section, a United States district court shall find that—

(1) in the case of a proceeding before either House of Congress, the request for such an order has been approved by an affirmative vote of a majority of the Members present of that House;

(2) in the case of a proceeding before a committee or a subcommittee of either House of Congress or a joint committee of both Houses, the request for such an order has been approved by an affirmative vote of two-thirds of the members of the full committee; and

(3) ten days or more prior to the day on which the request for such an order was made, the Attorney General was served with notice of an intention to request the order.

(c) Upon application of the Attorney General, the United States district court shall defer the issuance of any order under subsection (a) of this section for such period, not longer than twenty days from the date of the request for such order, as the Attorney General may specify. (Oct. 15, 1970, Pub. L. 91-452, § 201(a), 84 Stat. 928.)

TITLE 19.—CUSTOMS DUTIES

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Chapter 12.—TRADE ACT OF 1974

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Subchapter I.—Negotiating and Other Authority

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Part 5.—CONGRESSIONAL PROCEDURES WITH RESPECT TO PRESIDENTIAL ACTIONS

465.4 § 2191. Bills implementing trade agreements on nontariff barriers and resolutions approving commercial agreements with Communist countries.

(a) Rules of House of Representatives and Senate.

This section and sections 2192 and 2193 of this title are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of implementing bills described in subsection (b)(1) of this section, implementing revenue bills described in subsection (b)(2) of this section, approval resolutions described in subsection (b)(3) of this section, and resolutions described in sections 2192(a) and 2193(a) of this title; and they supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(b) Definitions.

For purposes of this section—

(1) The term "implementing bill" means only a bill of either House of Congress which is introduced as provided in subsection (c) of this section with respect to one or more trade agreements submitted to the House of Representatives and the Senate under section 2112 or 2903 of this title and which contains—

(A) a provision approving such trade agreement or agreements,

(B) a provision approving the statement of administrative action (if any) proposed to implement such trade agreement or agreements, and

(C) if changes in existing laws or new statutory authority is required to implement such trade agreement or agreements, provisions, necessary or appropriate to implement such trade agreement or agreements, either repealing or amending existing laws or providing new statutory authority.

(2) The term "implementing revenue bill" means an implementing bill which contains one or more revenue measures by reason of which it must originate in the House of Representatives.

(3) The term "approval resolution" means only a concurrent resolution of the two Houses of the Congress, the matter after the resolving clause of which is as follows: "That the Congress approves the extension of nondiscriminatory treatment with respect to the products of ——————— transmitted by the President to the Congress on ———.", the first blank space being filled with the name of the country involved and the second blank space being filled with the appropriate date.

(c) Introduction and referral.

(1) On the day on which a trade agreement is submitted to the House of Representatives and the Senate under section 2112 of this title, the implementing bill submitted by the President with respect to such trade agreement shall be introduced (by request) in the House by the majority leader of the House, for himself and the minority leader of the House, or by Members of the House designated by the majority leader and minority leader of the House; and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such a trade agreement is submitted, the implementing bill shall be introduced in that House, as provided in the preceding sentence, on the first day thereafter on which that House is in session. Such bills shall be referred by the Presiding Officers of the respective Houses to the appropriate committee, or, in the case of a bill containing provisions within the jurisdiction of two or more committees, jointly to such committees for consideration of those provisions within their respective jurisdictions.

(2) On the day on which a bilateral commercial agreement, entered into under subchapter IV of this chapter after January 3, 1975, is transmitted to the House of Representatives and the Senate, an approval resolution with respect to such agreement shall be introduced (by request) in the House by the majority leader of the House, for himself and the minority leader of the House, or by Members of the House designated by the majority leader and minority leader of the House; and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such an agreement is transmitted, the approval resolution with respect to such agreement shall be introduced in that House, as provided in the preceding sentence, on the first day thereafter on which that House is in session. The approval resolution introduced in the House shall be referred to the Committee on Ways and Means and the approval resolution introduced in the Senate shall be referred to the Committee on Finance.

(d) Amendments prohibited.

No amendment to an implementing bill or approval resolution shall be in order in either the House of Representatives or the Senate; and no motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House for the Presiding Officer to entertain a request to suspend the application of this subsection by unanimous consent.

(e) Period for committee and floor consideration.

(1) Except as provided in paragraph (2), if the committee or committees of either House to which an implementing bill or approval resolution has been referred have not reported it at the close of the 45th day after its introduction, such committee or committees shall be automatically discharged from further consideration of the bill or resolution and it shall be placed on the appropriate calendar. A vote on final passage of the bill or resolution shall be taken in each House on or before the close of the 15th day after the bill or resolution is reported by the committee or committees of that House to which it was referred, or after such committee or committees have been discharged from further consideration of the bill or resolution. If prior to the passage by one House of an implementing bill or approval resolution of that House, that House receives the same implementing bill or approval resolution from the other House, then—

(A) the procedure in that House shall be the same as if no implementing bill or approval resolution had been received from the other House; but

(B) the vote on final passage shall be on the implementing bill or approval resolution of the other House.

(2) The provisions of paragraph (1) shall not apply in the Senate to an implementing revenue bill. An implementing revenue bill received from the House shall be referred to the appropriate committee or committees of the Senate. If such committee or committees have not reported such bill at the close of the 15th day after its receipt by the Senate (or, if later, before the close of the 45th day after the corresponding implementing revenue bill was introduced in the Senate), such committee or committees shall be automatically discharged from further consideration of such bill and it shall be placed on the calendar. A vote on final passage of such bill shall be taken in the Senate on or before the close of the 15th day after such bill is reported by the committee or committees of the Senate to which it was referred, or after such committee or committees have been discharged from further consideration of such bill.

(3) For purposes of paragraphs (1) and (2), in computing a number of days in either House, there shall be excluded any day on which that House is not in session.

(f) Floor consideration in the House.

(1) A motion in the House of Representatives to proceed to the consideration of an implementing bill or approval resolution shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) Debate in the House of Representatives on an implementing bill or approval resolution shall be limited to not more than 20 hours, which shall be divided equally between those favoring and those opposing the bill or resolution. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit an implementing bill or approval resolution or to move to reconsider the vote by which an implementing bill or approval resolution is agreed to or disagreed to.

(3) Motions to postpone, made in the House of Representatives with respect to the consideration of an implementing bill or approval resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(4) All appeals from the decisions of the chair relating to the application of the Rules of the House of Representatives to the procedure relating to an implementing bill or approval resolution shall be decided without debate.

(5) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of an implementing bill or approval resolution shall be governed by the Rules of the House of Representatives applicable to other bills and resolutions in similar circumstances.

(g) Floor consideration in the Senate.

(1) A motion in the Senate to proceed to the consideration of an implementing bill or approval resolution shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) Debate in the Senate on an implementing bill or approval resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 20 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(3) Debate in the Senate on any debatable motion or appeal in connection with an implementing bill or approval resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill or resolution, except that in the event the manager of the bill or resolution is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of an implementing bill or approval resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(4) A motion in the Senate to further limit debate is not debatable. A motion to recommit an implementing bill or approval resolution is not in order. (Jan. 3, 1975, Pub. L. 93-618, § 151, 88 Stat. 2001.)

§ 2192. Resolutions disapproving certain actions. 465.5

(a) Contents of resolutions.

(1) For purposes of this section, the term "resolution" means only—

(A) a joint resolution of the two Houses of the Congress, the matter after the resolving clause of which is as follows: "That the Congress does not approve the action taken by, or the determination of, the President under section 203 of the Trade Act of 1974 transmitted to the Congress on ———————", the blank space being filled with the appropriate date; and

(B) a resolution of either House of the Congress, the matter after the resolving clause of which is as follows: "That the ——————— does not approve ——————— transmitted to the Congress on ———————", with the first blank space being filled with the name of the resolving House, the second blank space being filled in accordance with paragraph (2), and the third blank space being filled with the appropriate date.

(2) The second blank space referred to in paragraph (1)(B) shall be filled as follows:

(A) in the case of a resolution referred to in section 1303(e) of this title, with the phrase "the determination of the Secretary of the Treasury under section 303(d) of the Tariff Act of 1930";

(B) in the case of a resolution referred to in section 2437(c)(2) of this title, with the phrase "the extension of nondiscriminatory treatment with respect to the products of ————" (with this blank space being filled with the name of the country involved); and

(C) in the case of a resolution referred to in section 2437(c)(3) of this title, with the phrase "the report of the President submitted under section ——————— of the Trade Act of 1974 with respect to ———————" (with the first blank space being filled with "402(b)" or "409(b)", as appropriate, and the second blank space being filled with the name of the country involved).

(b) Reference to committees.

All resolutions introduced in the House of Representatives shall be referred to the Committee on Ways and Means and all resolutions introduced in the Senate shall be referred to the Committee on Finance.

(c) Discharge of committees.

(1) If the committee of either House to which a resolution has been referred has not reported it at the end of 30 days after its introduction, not counting any day which is excluded under section 2194(b) of this title, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution introduced with respect to the same matter, except no motion to discharge shall be in order after the committee has reported a resolution with respect to the same matter.

(2) A motion to discharge under paragraph (1) may be made only by an individual favoring the resolution, and is highly privileged in the House and privileged in the Senate; and debate thereon shall be limited to not more than 1 hour, the time to be divided in the House equally between those favoring and those opposing the resolution, and to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(d) Floor consideration in the House.

(1) A motion in the House of Representatives to proceed to the consideration of a resolution shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) Debate in the House of Representatives on a resolution shall be limited to not more than 20 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. No amendment to, or motion to recommit, the resolution shall be in order. It shall not be in order to move to reconsider the vote by which a resolution is agreed to or disagreed to.

(3) Motions to postpone, made in the House of Representatives with respect to the consideration of a resolution, and motions to proceed to the consideration of other business shall be decided without debate.

(4) All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a resolution shall be decided without debate.

(5) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a resolution in the House of Representatives shall be governed by the Rules of the House of Representatives applicable to other resolutions in similar circumstances.

(e) Floor consideration in the Senate.

(1) A motion in the Senate to proceed to the consideration of a resolution shall be privileged. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) Debate in the Senate on a resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 20 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(3) Debate in the Senate on any debatable motion or appeal in connection with a resolution shall be limited to not more than 1 hour, to be equally divided, between, and controlled by, the mover and the manager of the resolution, except that it the event the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(4) A motion in the Senate to further limit debate on a resolution, debatable motion, or appeal is not debatable. No amendment to, or motion to recommit, a resolution is in order in the Senate.

(f) Special rule for concurrent resolutions.

In the case of a resolution described in subsection (a)(1) of this section, if prior to the passage by one House of a resolution of that House, that House receives a resolution with respect to the same matter from the other House, then—

(1) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(2) the vote on final passage shall be on the resolution of the other House. (Jan. 3, 1975, Pub. L. 93-618, § 152, 88 Stat. 2004; July 26, 1979, Pub. L. 96-39, § 902(a)(1), 1106(c)(5), 93 Stat 299, 312; Oct. 30, 1984, Pub. L. 98-573, § 248(b), 98 Stat. 2998.)

465.6 § 2193. Resolutions relating to extension of waiver authority under section 402 of the Trade Act of 1974.

(a) Contents of resolutions.

For purposes of this section the term "resolution" means only—

(1) a concurrent resolution of the two Houses of the Congress, the matter after the resolving clause of which is as follows: "That the Congress approves the extension of the authority contained in section 402(c)(1) of the Trade Act of 1974 recommended by the President to the Congress on ———, except with respect to ———", with the first blank space being filled with the appropriate date and the second blank space being filled with the names of those countries, if any, with respect to which such extension of authority is not approved, and with the except clause being omitted if there is no such country; and

(2) a resolution of either House of the Congress, the matter after the resolving clause of which is as follows: "That the ——— does not approve the extension of the authority contained in section 402(c) of the Trade Act of 1974 recommended by the President to the Congress on ——— with respect to ———", with the first blank space being filled with the name of the resolving House, the second blank space being filled with the appropriate date, and the third blank space being filled with the names of those countries, if any, with respect to which such extension of authority is not approved, and with the with-respect-to clause being omitted if the extension of the authority is not approved with respect to any country.

(b) Application of rules of section 2192 of this title; exceptions.

(1) Except as provided in this section, the provisions of section 2192 of this title shall apply to resolutions described in subsection (a) of this section.

(2) In applying section 2192(c)(1) of this title, all calendar days shall be counted, and, in the case of a resolution related to section 2432(d)(4) of this title, 20 calendar days shall be substituted for 30 days.

(3) That part of section 2192(d)(2) of this title which provides that no amendment is in order shall not apply to any amendment to a resolution which is limited to striking out or inserting the names of one or more countries or to striking out or inserting an except clause, in the case of a resolution described in subsection (a)(1) of this section, or a with-respect-to clause, in the case of a resolution described in subsection (a)(2) of this section. Debate in the House of Representatives on any amendment to a resolution shall be limited to not more than 1 hour which shall be equally divided between those favoring and those opposing the amendment. A motion in the House to further limit debate on an amendment to a resolution is not debatable.

(4) That part of section 2192(e)(4) of this title which provides that no amendment is in order shall not apply to any amendment to a resolution which is limited to striking out or inserting the names of one or more countries or to striking out or inserting an except clause, in the case of a resolution described in subsection (a)(1) of this section, or a with-respect-to clause, in the case of a resolution described in subsection (a)(2) of this section. The time limit on a debate on a resolution in the Senate under section 2192(e)(2) of this title shall include all amendments to a resolution. Debate in the Senate on any amendment to a resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event the manager of the resolution is in favor of any such amendment, the time in opposition thereto shall be controlled by the minority leader or his designee. The majority leader and minority leader may, from time under their control on the passage of a resolution, allot additional time to any Senator during the consideration of any amendment. A motion in the Senate to further limit debate on an amendment to a resolution is not debatable.

(c) Consideration of second resolution not in order.

It shall not be in order in either the House of Representatives or the Senate to consider a resolution with respect to a recommendation of the President under section 2432(d) of this title (other than a resolution described in subsection (a)(1) of this section received from the other House), if that House has adopted a resolution with respect to the same recommendation. (Jan. 3, 1975, Pub. L. 93-618, § 153, 88 Stat. 2006.)

§ 2194. Special rules relating to Congressional procedures. 465.7

(a) Whenever, pursuant to section 2112(c), 2253(b), 2432(d), or 2437 (a) or (b), or section 1303(e) of this title, a document is required to be transmitted to the Congress, copies of such document shall be delivered to both Houses of Congress on the same day and shall be delivered to the Clerk of the House of Representatives if the House is not in session and to the Secretary of the Senate if the Senate is not in session.

(b) For purposes of sections 2253(c), 2437(c)(2), and 2437(c)(3) of this title, the 90-day period referred to in such sections shall be computed by excluding—

(1) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die, and

(2) any Saturday and Sunday, not excluded under paragraph (1), when either House is not in session. (Jan. 3, 1975, Pub. L. 93-618, § 154, 88 Stat. 2008; July 26, 1979, Pub. L. 96-39, § 902(a)(2), 93 Stat. 300.)

Part 6.—CONGRESSIONAL LIAISON AND REPORTS

§ 2211. Congressional advisers for trade policy and negotiations. 465.8

(a) SELECTION.—

(1) At the beginning of each regular session of Congress, the Speaker of the House of Representatives, upon the recommendation of the chairman of the Committee on Ways and Means, shall select 5

members (not more than 3 of whom are members of the same political party) of such committee, and the President pro tempore of the Senate, upon the recommendation of the chairman of the Committee on Finance, shall select 5 members (not more than 3 of whom are members of the same political party) of such committee, who shall be designated congressional advisers on trade policy and negotiations. They shall provide advice on the development of trade policy and priorities for the implementation thereof. They shall also be accredited by the United States Trade Representative on behalf of the President as official advisers to the United States delegations to international conferences, meetings, and negotiating sessions relating to trade agreements.

(2)(A) In addition to the advisers designated under paragraph (1) from the Committee on Ways and Means and the Committee on Finance—

(i) the Speaker of the House may select additional members of the House, for designation as congressional advisers regarding specific trade policy matters or negotiations, from any other committee of the House or joint committee of Congress that has jurisdiction over legislation likely to be affected by such matters or negotiations; and

(ii) the President pro tempore of the Senate may select additional members of the Senate, for designation as congressional advisers regarding specific trade policy matters or negotiations, from any other committee of the Senate or joint committee of Congress that has jurisdiction over legislation likely to be affected by such matters or negotiations.

Members of the House and Senate selected as congressional advisers under this subparagraph shall be accredited by the United States Trade Representative.

(B) Before designating any member under subparagraph (A), the Speaker or the President pro tempore shall consult with—

(i) the chairman and ranking member of the Committee on Ways and Means or the Committee on Finance, as appropriate; and

(ii) the chairman and ranking minority member of the committee from which the member will be selected.

(C) Not more than 3 members (not more than 2 of whom are members of the same political party) may be selected under this paragraph as advisers from any committee of Congress.

(b) BRIEFING.—

(1) The United States Trade Representative shall keep each official adviser designated under subsection (a)(1) currently informed on matters affecting the trade policy of the United States and, with respect to possible agreements, negotiating objectives, the status of negotiations in progress, and the nature of any changes in domestic law or the administration thereof which may be recommended to Congress to carry out any trade agreement or any requirement of, amendment to, or recommendation under, such agreement.

(2) The United States Trade Representative shall keep each official adviser designated under subsection (a)(2) currently informed regarding the trade policy matters and negotiations with respect to which the adviser is designated.

(3)(A) The chairmen of the Committee on Ways and Means and the Committee on Finance may designate members (in addition to the official advisers under subsection (a)(1)) and staff members of their respective committees who shall have access to the information provided to official advisers under paragraph (1).

(B) The chairman of any committee of the House or Senate or any joint committee of Congress from which official advisers are selected under subsection (a)(2) may designate other members of such committee, and staff members of such committee, who shall have access to the information provided to official advisers under paragraph (2).

(c) Committee Consultation.—The United States Trade Representative shall consult on a continuing basis with the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the other appropriate committees of the House and Senate on the development, implementation, and administration of overall trade policy of the United States. Such consultations shall include, but are not limited to, the following elements of such policy:

(1) The principal multilateral and bilateral negotiating objectives and the progress being made toward their achievement.

(2) The implementation, administration, and effectiveness of recently concluded multilateral and bilateral trade agreements and resolution of trade disputes.

(3) The actions taken, and proposed to be taken, under the trade laws of the United States and the effectiveness, or anticipated effectiveness, of such actions in achieving trade policy objectives.

(4) The important developments and issues in other areas of trade for which there must be developed proper policy response.

When necessary, meetings shall be held with each Committee in executive session to review matters under negotiation. (Jan. 3, 1975, Pub. L. 98-618, § 161, 88 Stat. 2008; July 26, 1979, Pub. L. 96-39, § 3(e), 93 Stat. 150; Jan. 2, 1980, 1979 Reorg. Plan No. 3, § (b)(1), 93 Stat. 1381; Aug. 23, 1988, Pub. L. 100-418, § 1632, 102 Stat. 1269.)

§ 2212. Transmission of agreements to Congress. 465.9

(a) As soon as practicable after a trade agreement entered into under part 1 of this subchapter or section 2133 or 2134 of this title has entered into force with respect to the United States, the President shall, if he has not previously done so, transmit a copy of such trade agreement to each House of the Congress together with a statement, in the light of the advice of the International Trade Commission under section 2151(b) of this title, if any, and of other relevant considerations, of his reasons for entering into the agreement.

(b) The President shall transmit to each Member of the Congress a summary of the information required to be transmitted to each House under subsection (a) of this section. For purposes of this subsection, the term "Member" includes any Delegate or Resident Commissioner. (Jan. 3, 1975, Pub. L. 93-618, § 162, 88 Stat. 2008.)

§ 2213. Reports. 465.10

(a) Annual Report on Trade Agreements Program and National Trade Policy Agenda.—

(1) The President shall submit to the Congress during each calendar year (but not later than March 1 of that year) a report on—

(A) the operation of the trade agreements program, and the provision of import relief and adjustment assistance to workers and firms, under this Act during the preceding calendar year; and

(B) the national trade policy agenda for the year in which the report is submitted.

(2) The report shall include, with respect to the matters referred to in paragraph (1)(A), information regarding—

(A) new trade negotiations;

(B) changes made in duties and nontariff barriers and other distortions of trade of the United States;

(C) reciprocal concessions obtained;

(D) changes in trade agreements (including the incorporation therein of actions taken for import relief and compensation provided therefor);

(E) the extension or withdrawal of nondiscriminatory treatment by the United States with respect to the products of foreign countries;

(F) the extension, modification, withdrawal, suspension, or limitation of preferential treatment to exports of developing countries;

(G) the results of actions to obtain the removal of foreign trade restrictions (including discriminatory restrictions) against United States exports and the removal of foreign practices which discriminate against United States service industries (including transportation and tourism) and investment;

(H) the measures being taken to seek the removal of other significant foreign import restrictions;

(I) each of the referrals made under section 141(d)(1)(B) and any action taken with respect to such referral;

(J) other information relating to the trade agreements program and to the agreements entered into thereunder; and

(K) the number of applications filed for adjustment assistance for workers and firms, the number of such applications which were approved, and the extent to which adjustment assistance has been provided under such approved applications.

(3)(A) The national trade policy agenda required under paragraph (1)(B) for the year in which a report is submitted shall be in the form of a statement of—

(i) the trade policy objectives and priorities of the United States for the year, and the reasons therefor;

(ii) the actions proposed, or anticipated, to be undertaken during the year to achieve such objectives and priorities, including, but not limited to, actions authorized under the trade laws and negotiations with foreign countries;

(iii) any proposed legislation necessary or appropriate to achieve any of such objectives or priorities; and

(iv) the progress that was made during the preceding year in achieving the trade policy objectives and priorities included in the statement provided for that year under this paragraph.

(B) The President may separately submit any information referred to in subparagraph (A) to the Congress in confidence if the President considers confidentiality appropriate.

(C) Before submitting the national trade policy agenda for any year, the President shall seek advice from the appropriate advisory committees established under section 135 and shall consult with the appropriate committees of the Congress.

(D) The United States Trade Representative (hereafter referred to in this section as the "Trade Representative") and other appropriate officials of the United States Government shall consult periodically with the appropriate committees of the Congress regarding the annual objectives and priorities set forth in each national trade policy agenda with respect to—

(i) the status and results of the actions that have been undertaken to achieve the objectives and priorities; and

(ii) any development which may require, or result in, changes to any of such objectives or priorities.

(b) ANNUAL TRADE PROJECTION REPORT.—

(1) In order for the Congress to be informed of the impact of foreign trade barriers and macroeconomic factors on the balance of trade of the United States, the Trade Representative and the Secretary of the Treasury shall jointly prepare and submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives (hereafter referred to in this subsection as the "Committees") on or before March 1 of each year a report which consists of—

(A) a review and analysis of—

(i) the merchandise balance of trade,

(ii) the goods and services balance of trade,

(iii) the balance on the current account,

(iv) the external debt position,

(v) the exchange rates,

(vi) the economic growth rates,

(vii) the deficit or surplus in the fiscal budget, and

(viii) the impact on United States trade of market barriers and other unfair practices,

of countries that are major trading partners of the United States, including, as appropriate, groupings of such countries;

(B) projections for each of the economic factors described in subparagraph (A) (except those described in clauses (v) and (viii)) for each of the countries and groups of countries referred to in subparagraph (A) for the year in which the report is submitted and for the succeeding year; and

(C) conclusions and recommendations, based upon the projections referred to in subparagraph (B), for policy changes, including trade policy, exchange rate policy, fiscal policy, and other policies that should be implemented to improve the outlook.

(2) To the extent that subjects referred to in paragraph (1) (A), (B), or (C) are covered in the national trade policy agenda required under subsection (a)(1)(B) or in other reports required by this Act or other law, the Trade Representative and the Secretary of the Treasury may, as appropriate, draw on the information, analysis, and conclusions, if any, in those reports for the purposes of preparing the report required by this subsection.

(3) The Trade Representative and the Secretary of the Treasury shall consult with the Chairman of the Board of Governors of the

Federal Reserve System in the preparation of each report required under this subsection.

(4) The Trade Representative and the Secretary of the Treasury may separately submit any information, analysis, or conclusion referred to in paragraph (1) to the Committees in confidence if the Trade Representative and the Secretary consider confidentiality appropriate.

(5) After submission of each report required under paragraph (1), the Trade Representative and the Secretary of the Treasury shall consult with each of the Committees with respect to the report.

(c) ITC REPORTS.—The United States International Trade Commission shall submit to the Congress, at least once a year, a factual report on the operation of the trade agreements program. (Jan. 3, 1975, Pub. L. 93-618, § 163, 88 Stat. 2009; Aug. 23, 1988, Pub. L. 100-418, § 1641, 102 Stat. 1271.)

465.11 **§ 2903. Implementation of trade agreements.**

(a) IN GENERAL.—

(1) Any agreement entered into under section 1102 (b) or (c) shall enter into force with respect to the United States if (and only if)—

(A) the President, at least 90 calendar days before the day on which he enters into the trade agreement, notifies the House of Representatives and the Senate of his intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register,

(B) after entering into the agreement, the President submits a document to the House of Representatives and to the Senate containing a copy of the final legal text of the agreement, together with—

(i) a draft of an implementing bill,

(ii) a statement of any administrative action proposed to implement the trade agreement, and

(iii) the supporting information described in paragraph (2); and

(C) the implementing bill is enacted into law.

(2) The supporting information required under paragraph (1)(B)(iii) consists of—

(A) an explanation as to how the implementing bill and proposed administrative action will change or affect existing law; and

(B) a statement—

(i) asserting that the agreement makes progress in achieving the applicable purposes, policies, and objectives of this title,

(ii) setting forth the reasons of the President regarding—

(I) how and to what extent the agreement makes progress in achieving the applicable purposes, policies, and objectives referred to in clause (i), and why and to what extent the agreement does not achieve other applicable purposes, policies, and objectives,

(II) how the agreement serves the interests of United States commerce, and

(III) why the implementing bill and proposed administrative action is required or appropriate to carry out the agreement;

(iii) describing the efforts made by the President to obtain international exchange rate equilibrium and any effect the agreement may have regarding increased international monetary stability; and

(iv) describing the extent, if any, to which—

(I) each foreign country that is a party to the agreement maintains non-commercial state trading enterprises that may adversely affect, nullify, or impair the benefits to the United States under the agreement, and

(II) the agreement applies to or affects purchases and sale by such purchases and

(3) To ensure that a foreign country which receives benefits under a trade agreement entered into under section 1102 (b) or (c) is subject to the obligations imposed by such agreement, the President shall recommend to Congress in the implementing bill and statement of administrative action submitted with respect to such agreement that the benefits and obligations of such agreement apply solely to the parties to such agreement, if such application is consistent with the terms of such agreement. The President may also recommend with respect to any such agreement that the benefits and obligations of such agreement not apply uniformly to all parties to such agreement, if such application is consistent with the terms of such agreement.

(b) APPLICATION OF CONGRESSIONAL "FAST TRACK" PROCEDURES TO IMPLEMENTING BILLS.—

(1) Except as provided in subsection (c)—

(A) the provisions of section 151 of the Trade Act of 1974 (19 U.S.C. 2191) (hereinafter in this section referred to as "fast track procedures") apply to implementing bills submitted with respect to trade agreements entered into under section 1102 (b) or (c) before June 1, 1991; and

(B) such fast track procedures shall be extended to implementing bills submitted with respect to trade agreements entered into under section 1102 (b) or (c) after May 31, 1991, and before June 1, 1993, if (and only if)—

(i) the President requests such extension under paragraph (2); and

(ii) neither House of the Congress adopts an extension disapproval resolution under paragraph (5) before June 1, 1991.

(2) If the President is of the opinion that the fast track procedures should be extended to implementing bills described in paragraph (1)(B), the President must submit to the Congress, no later than March 1, 1991, a written report that contains a request for such extension, together with—

(A) a description of all trade agreements that have been negotiated under section 1102 (b) or (c) and the anticipated schedule for submitting such agreements to the Congress for approval;

(B) a description of the progress that has been made in multilateral and bilateral negotiations to achieve the purposes, policies, and objectives of this title, and a statement that such progress justifies the continuation of negotiations; and

(C) a statement of the reasons why the extension is needed to complete the negotiations.

(3) The President shall promptly inform the Advisory Committee for Trade Policy and Negotiations established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155) of his decision to submit a report to Congress under paragraph (2). The Advisory Committee shall submit to the Congress as soon as practicable, but no later than March 1, 1991, a written report that contains—

(A) its views regarding the progress that has been made in multilateral and bilateral negotiations to achieve the purposes, policies, and objectives of this title; and

(B) a statement of its views, and the reasons therefor, regarding whether the extension requested under paragraph (2) should be approved or disapproved.

(4) The reports submitted to Congress under paragraphs (2) and (3), or any portion of the reports, may be classified to the extent the President determines appropriate.

(5)(A) For purposes of this subsection, the term "extension disapproval resolution" means a resolution of either House of the Congress, the sole matter after the resolving clause of which is as follows: "That the ——— disapproves the request of the President for the extension, under section 1103(b)(1)(B)(i) of the Omnibus Trade and Competitiveness Act of 1988, of the provisions of section 151 of the Trade Act of 1974 to any implementing bill submitted with respect to any trade agreement entered into under section 1102 (b) or (c) of such Act after May 31 1991, because sufficient tangible progress has not been made in trade negotiations.", with the blank space being filled with the name of the resolving House of Congress.

(B) Extension disapproval resolutions—

(i) may be introduced in either House of the Congress by any member of such House; and

(ii) shall be jointly referred, in the House of Representatives, to the Committee on Ways and Means and the Committee on Rules.

(C) The provisions of section 152 (d) and (e) of the Trade Act of 1974 (19 U.S.C. 2192 (d) and (e)) (relating to the floor consideration of certain resolutions in the House and Senate) apply to extension disapproval resolutions.

(D) It is not in order for—

(i) the Senate to consider any extension disapproval resolution not reported by the Committee on Finance;

(ii) the House of Representatives to consider any extension disapproval resolution not reported by the Committee on Ways and Means and the Committee on Rules; or

(iii) either House of the Congress to consider an extension disapproval resolution that is reported to such House after May 15, 1991.

(c) LIMITATIONS ON USE OF "FAST TRACK" PROCEDURES.—

(1)(A) The fast track procedures shall not apply to any implementing bill submitted with respect to a trade agreement entered into under section 1102 (b) or (c) if both Houses of the Congress separately agree to procedural disapproval resolutions within any 60-day period.

(B) Procedural disapproval resolutions—

(i) in the House of Representatives—

(I) shall be introduced by the chairman or ranking minority member of the Committee on Ways and Means or the chairman or ranking minority member of the Committee on Rules,

(II) shall be jointly referred to the Committee on Ways and Means and the Committee on Rules, and

(III) may not be amended by either Committee; and

(ii) in the Senate shall be original resolutions of the Committee on Finance.

(C) The provisions of section 152 (d) and (e) of the Trade Act of 1974 (19 U.S.C. 2192 (d) and (e)) (relating to the floor consideration of certain resolutions in the House and Senate) apply to procedural disapproval resolutions.

(D) It is not in order for the House of Representatives to consider any procedural disapproval resolution not reported by the Committee on Ways and Means and the Committee on Rules.

(E) For purposes of this subsection, the term "procedural disapproval resolution" means a resolution of either House of the Congress, the sole matter after the resolving clause of which is as follows: "That the President has failed or refused to consult with Congress on trade negotiations and trade agreements in accordance with the provisions of the Omnibus Trade and Competitiveness Act of 1988, and, therefore, the provisions of section 151 of the Trade Act of 1974 shall not apply to any implementing bill submitted with respect to any trade agreement entered into under section 1102 (b) or (c) of such Act of 1988, if, during the 60-day period beginning on the date on which this resolution is agreed to by the ———, the ——— agrees to a procedural disapproval resolution (within the meaning of section 1103(c)(1)(E) of such Act of 1988).", with the first blank space being filled with the name of the resolving House of the Congress and the second blank space being filled with the name of the other House of the Congress.

(2) The fast track procedures shall not apply to any implementing bill that contains a provision approving of any trade agreement which is entered into under section 1102(c) with any foreign country if either—

(A) the requirements of section 1102(c)(3) are not met with respect to the negotiation of such agreement; or

(B) the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives disapproves of the negotiation of such agreement before the close of the 60-day period which begins on the date notice is provided under section 1102(c)(3)(C)(i) with respect to the negotation of such agreement.

(d) Rules of House of Representatives and Senate.— Subsections (b) and (c) are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, and such procedures super-

sede other rules only to the extent that they are inconsistent with such other rules; and

(2) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of the House.

(e) COMPUTATION OF CERTAIN PERIODS OF TIME.—Each period of time described in subsection (c)(1) (A) and (E) and (2) of this section shall be computed without regard to—

(1) the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die; and

(2) any Saturday and Sunday, not excluded under paragraph (1), when either House of the Congress is not in session.

(Aug. 23, 1988, Pub. L. 100-418, § 1103, 102 Stat. 1128.)

TITLE 20.—EDUCATION

Chapter 3.—SMITHSONIAN INSTITUTION

§ 42. Regents. 470

The business of the institution shall be conducted at the city of Washington by a Board of Regents, named the Regents of the Smithsonian Institution, to be composed of the Vice President, the Chief Justice of the United States, three Members of the Senate, three Members of the House of Representatives, and nine other persons, other than Members of Congress, two of whom shall be resident in the city of Washington, and seven of whom shall be inhabitants of some State, but no two of them of the same State. (R.S. § 5580, Mar. 12, 1894, ch. 36, 28 Stat. 41; Dec. 15, 1970, Pub. L. 91-551, 84 Stat. 1439.)

§ 43. Same; appointment; terms of office; vacancies. 471

The regents to be selected shall be appointed as follows: The Members of the Senate by the President thereof; the Members of the House by the Speaker thereof; and the nine other persons by joint resolution of the Congress. The Members of the House so appointed shall serve for the term of two years; and on every alternate fourth Wednesday of December a like number shall be appointed in the same manner to serve until the fourth Wednesday in December in the second year succeeding their appointment. The Senators so appointed shall serve during the term for which they shall hold, without reelection, their office as Senators. Vacancies, occasioned by death, resignation, or otherwise, shall be filled as vacancies in committees are filled. The regular term of service for the other nine members shall be six years; and new elections thereof shall be made by joint resolutions of Congress. Vacancies occasioned by death, resignation, or otherwise may be filled in like manner by joint resolution of Congress. (R.S. § 5581; Dec. 15, 1970, Pub. L. 91-551, 84 Stat. 1440.)

TITLE 22.—FOREIGN RELATIONS AND INTERCOURSE

Chapter 7.—INTERNATIONAL BUREAUS, CONGRESSES, ETC.

* * * * * * *

471.5 § 276. Bureau of Interparliamentary Union; American group; appropriation; disbursements.

That there is authorized to be appropriated for fiscal year 1976 and for each subsequent fiscal year—

(1) for the annual contribution of the United States toward the maintenance of the Bureau of the Interparliamentary Union for the promotion of international arbitration, an amount equal to 13.61 per centum of the budget of the Interparliamentary Union for the year with respect to which such contribution is to be made if the American group of the Interparliamentary Union has approved such budget; and

(2) to assist in meeting the expenses of the American group for such fiscal year, $90,000, or so much thereof as may be necessary.

Funds made available under paragraph (2) shall be disbursed on vouchers to be approved by the Chairman of the House delegation in the case of delegates from the House of Representatives or the Chairman of the Senate delegation in the case of delegates from the Senate, except that either such Chairman may authorize the executive secretary of the American group to approve such vouchers on his behalf. (June 28, 1935, c. 322, § 1, 49 Stat. 425; Feb. 6, 1948, c. 48, 62 Stat. 19; June 30, 1958, Pub. L. 85-477, ch. V, § 502(b), 72 Stat. 272; Sept. 4, 1961, Pub. L. 87-195, Pt. IV, § 710(a), 75 Stat. 465; Aug. 1, 1962, Pub. L. 87-565, Pt. IV, § 404, 76 Stat. 263; Oct. 7, 1964, Pub. L. 88-633, Pt. IV, § 401, 78 Stat. 1014; Nov. 14, 1967, Pub. L. 90-137, Pt. IV, § 402, 81 Stat. 463; Feb. 7, 1972, Pub. L. 92-226, Pt. IV, § 404, 86 Stat. 34; Oct. 18, 1973, Pub. L. 93-126, § 3, 87 Stat. 451; Nov. 29, 1975, Pub. L. 94-141, Title II, § 204(a), 89 Stat. 762; Oct. 7, 1978, Pub. L. 95-426, Title VII, § 710, 92 Stat. 994.)

471.6 § 276a-2. Conference of the Interparliamentary Union and all other parliamentary conferences; appointment of delegates from Senate; Chairman; Vice Chairman.

Senate delegates to each conference of the Interparliamentary Union, and to all other parliamentary conferences, shall be designated by the President of the Senate upon recommendations of the majority and minority leaders of the Senate. Unless the President of the Senate, upon the recommendation of the majority leader, determines otherwise, the Chairman or Vice Chairman of the Senate delegation shall be a Member from the Foreign Relations Committee. Not fewer than two Senators designated to be in the Senate delegation to each conference of the Interparliamentary Union shall be members of the Committee on Foreign Relations. (June 28, 1935, c. 322, § 4, as added June 15, 1977, Pub. L. 95-45, § 4(d)(3), 91 Stat. 223.)

§ 276a-3. Executive secretary of American group of Interparliamentary Union. 471.7

After December 31, 1977, the executive secretary of the American group of the Interparliamentary Union shall be an officer or employee of the Senate or the House of Representatives and shall be appointed—

(1) by the Chairman of the Senate delegation upon recommendations of the majority and minority leaders of the Senate for service during odd-numbered Congresses; and

(2) by the Chairman of the House delegation for service during even-numbered Congresses.

(June 28, 1935, c. 322, § 5, as added June 15, 1977, Pub. L. 95-45, § 4(d)(3), 91 Stat. 223.)

§ 276a-4. Auditing of accounts of House and Senate delegations to Interparliamentary Union; finality and conclusiveness of certificate of Chairman. 471.8

The certificate of the Chairman of the respective delegation to the Interparliamentary Union (or the certificate of the executive secretary of the American group if the Chairman delegates such authority to him) shall be final and conclusive upon the accounting officers in the auditing of all accounts of the House and Senate delegations to the Interparliamentary Union. (June 28, 1935, c. 322, § 6, as added June 15, 1977, Pub. L. 95-45, § 4(d)(3), 91 Stat. 223.)

§ 276c-1. Reports of expenditures by members of American groups or delegations and employees; consolidated reports by Congressional Committees; public inspection. 471.9

Each chairman or senior member of the House of Representatives and Senate group or delegation of the United States group or delegation to the Interparliamentary Union, the North Atlantic Assembly, the Canada-United States Interparliamentary Group, the Mexico-United States Interparliamentary Group, or any similar interparliamentary group of which the United States is a member or participates, by whom or on whose behalf local currencies owned by the United States are made available and expended and/or expenditures are made from funds appropriated for the expenses of such group or delegation, shall file with the chairman of the Committee on Foreign Relations of the Senate in the case of the group or delegation of the Senate, or with the chairman of the Committee on International Relations of the House of Representatives in the case of the group or delegation of the House, an itemized report showing all such expenditures made by or on behalf of each Member or employee of the group or delegation together with the purposes of the expenditure, including per diem (lodging and meals), transportation, and other purposes. Within sixty days after the beginning of each regular session of Congress, the chairman of the Committee on Foreign Relations and the chairman of the Committee on International Relations shall prepare consolidated reports showing with respect to each such group or delegation the total amount expended, the purposes of the expenditures, the amount expended for each such purpose, the names of the Members or employees by or on behalf of whom the expenditures were made and the amount expended by or on behalf of each Member or employee for each such purpose. The consolidated reports prepared by the chairman of the Committee on Foreign Relations of the Senate shall be filed with the Secretary of the Senate, and the consolidated reports prepared by the chairman of the Committee on International Relations of the House shall be filed with the Committee on House Administration of the House and shall be open to public inspection. (July 12, 1960, Pub. L. 86-628, 74 Stat. 460; Pub. L. 90-137, Pt. IV, § 401(b), Nov. 14, 1967, 81 Stat. 463; Pub. L. 94-59, Title XI, § 1104, July 25, 1975, 89 Stat. 299.)

CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

471.10 § 276d. United States group; appointment; term; meetings.

Not to exceed twenty-four Members of Congress shall be appointed to meet jointly and at least annually and when Congress is not in session (except that this restriction shall not apply during the first session of the Eighty-sixth Congress or to meetings held in the United States) with representatives of the House of Commons and Senate of the Canadian Parliament for discussion of common problems in the interests of relations between the United States and Canada. Of the Members of the Congress to be appointed for the purposes of this section (hereinafter designated as the United States group) half shall be appointed by the Speaker of the House from Members of the House (not less than four of whom shall be from the International Relations Committee), and half shall be appointed by the President of the Senate upon recommendations of the majority and minority leaders of the Senate from Members of the Senate (not less than four of whom shall be from the Foreign Relations Committee).

Such appointments shall be for the period of each meeting of the Canada-United States Interparliamentary group except for the four members of the International Relations Committee and the four members of the Foreign Relations Committee, whose appointments shall be for the duration of each Congress.

The Chairman or Vice Chairman of the House delegation shall be a Member from the International Relations Committee, and, unless the President of the Senate, upon the recommendation of the Majority Leader, determines otherwise, the Chairman or Vice Chairman of the Senate delegation shall be a Member from the Foreign Relations Committee. (Pub. L. 86-42, § 1, June 11, 1959, 73 Stat. 72; Pub. L. 95-45, § 4, June 15, 1977, 91 Stat. 222.)

MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

471.11 § 276h. United States group; appointment; term; meetings.

Not to exceed twenty-four Members of Congress shall be appointed to meet jointly and at least annually with representatives of the Chamber of Deputies and Chamber of Senators of the Mexican Congress for discussion of common problems in the interests of relations between the United States and Mexico. Of the Members of the Congress to be appointed for the purposes of this section (hereinafter designated as the United States group) half shall be appointed by the Speaker of the House from Members of the House (not less than four of whom shall be from the International Relations Committee), and half shall be appointed by the President of the Senate upon recommendations of the majority and minority leaders of the Senate from Members of the Senate (not less

than four of whom shall be from the Foreign Relations Committee). Such appointments shall be for the period of each meeting of the Mexico-United States Interparliamentary group except for the four members of the International Relations Committee, and the four members of the Foreign Relations Committee, whose appointments shall be for the duration of each Congress.

The Chairman or Vice Chairman of the House delegation shall be a Member from the International Relations Committee, and, unless the President of the Senate, upon the recommendation of the Majority Leader, determines otherwise, the Chairman or Vice Chairman of the Senate delegation shall be a Member from the Foreign Relations Committee. (Pub. L. 86-420, § 1, Apr. 9, 1960, 74 Stat. 40; Pub. L. 95-45, § 4, June 15, 1977, 91 Stat. 222.)

Note

There are authorized to be appropriated for each fiscal year $50,000 for expenses of United States participation in the United States-European Community Interparliamentary Group. (November 22, 1983, Public Law 98-164, § 109(c), as amended September 19, 1986, Public Law 99-415, § 7(b), and October 1, 1988, Public Law 100-459, § 303(c)).

Chapter 24.—MUTUAL SECURITY PROGRAM

§ 1754. Foreign currencies. 472

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(b) Availability to congressional committees; reports.

Notwithstanding section 724 of Title 31, or any other provision of law, local currencies owned by the United States, which are in excess of the amounts reserved under section 2362(a) of this title, and of the requirements of the United States Government in payment of its obligations outside the United States, as such requirements may be determined from time to time by the President (and any other local currencies owned by the United States in amounts not to exceed the equivalent of $75 per day per person exclusive of the actual cost of transportation), shall be made available to Members and employees of appropriate committees of the Congress engaged in carrying out their duties under section 190d of Title 2, and to the Joint Committee on Atomic Energy, the Joint Economic Committee, and the Joint Committee on Congressional Operations and the Select Committee on Intelligence of the Senate and the Select Committees on Small Business of the Senate and House of Representatives and the Select Committee on Astronautics and Space Exploration of the House of Representatives and the Special Committee on Space and Astronautics of the Senate, for their local currency expenses. Within the first sixty days that Congress is in session in each calendar year, the chairman of such committee shall prepare a consolidated report itemizing the amounts and dollar equivalent values of each such foreign currency expended and the amounts of dollar expenditures from appropriated funds in connection with travel outside the United States, together with the purposes of the expenditure, including per diem (lodging and meals), transportation and other purposes, and showing the total itemized expenditures during the preceding calendar year of the committee, and of each member or employee of such committee, and shall forward such consolidated report to the Committee on House Administration of the House of Representatives (if the committee be a committee of the House of Representatives or a joint committee whose funds are disbursed by the Clerk of the House) or to the Secretary of the Senate (if the committee be a Senate committee or joint committee whose funds are disbursed by the Secretary of the Senate), and shall be open to public inspection. Each such consolidated report shall be published in the Congressional Record within ten legislative days after it is forwarded pursuant to this subsection. In the case of the Select Committee on Intelligence of the Senate, such consolidated report may, in the discretion of the chairman of such select committee, omit such information as would identify the foreign countries in which members and employees of such select committee traveled. (Aug. 26, 1954, ch. 937, title V, § 502, 68 Stat. 849, amended Sept. 3, 1954, ch. 1262, § 104, 68 Stat. 1223; July 8, 1955, ch. 301, § 9(a), 69 Stat. 288; July 18, 1956, ch. 627, § 9(b), 70 Stat. 560; June 30, 1958, § 401(a), 72 Stat. 261; May 14, 1960, Pub. L. 86-472, § 401(a), 74 Stat. 138; July 12, 1960, Pub. L. 86-628, § 105(a), 74 Stat. 460; Oct. 7, 1964, Pub. L. 88-633, 78 Stat. 1015; Oct. 18, 1973, Pub. L. 93-126, § 5, 87 Stat. 452; Aug. 13, 1974, Pub. L. 93-371, § 107, 88 Stat. 444; July 25, 1975, Pub. L. 94-59, Title XI, § 1105, 89 Stat. 299; Dec. 18, 1975, Pub. L. 94-157, Title I, ch. IV, 89 Stat. 837; July 12, 1976, Pub. L. 94-350, Title IV, § 402, 90 Stat. 833; Oct. 1, 1976, Pub. L. 94-440, Title I, § 109, 90 Stat. 1445.)

472.5 § 1928a. North Atlantic Treaty Parliamentary Conference; participation; appointment of United States Group.

Not to exceed twenty-four Members of Congress shall be appointed to meet jointly and annually with representative parliamentary groups from other NATO (North Atlantic Treaty Organization) members, for discussion of common problems in the interests of the maintenance of peace and security in the North Atlantic area. Of the Members of the Congress to be appointed for the purposes of this resolution (hereinafter designated as the "United States Group"), half shall be appointed by the Speaker of the House from Members of the House (not less than four of whom shall be from the Committee on International Relations), and half shall be appointed by the President of the Senate upon recommendations of the majority and minority leaders of the Senate from Members of the Senate. Not more than seven of the appointees from the Senate shall be of the same political party. The Chairman or Vice Chairman of the House delegation shall be a Member from the International Relations Committee, and, unless the President of the Senate, upon the recommendation of the Majority Leader, determines otherwise, the Chairman or Vice Chairman of the Senate delegation shall be a Member from the Foreign Relations Committee. (July 11, 1956, c. 562, § 1, 70 Stat. 523; Dec. 16, 1963, Pub. L. 88-205, Pt. IV, § 406, 77 Stat. 392; Pub. L. 95-45 § 4, June 15, 1977, 91 Stat. 222.)

472.6 § 1928b. Same; appropriations.

There is authorized to be appropriated annually, for the annual contribution of the United States toward the maintenance of the North Atlantic Assembly, such sum as may be agreed upon by the United States Group and approved by such assembly, but in no event to exceed for any year in amount equal to 25 per centum of the total annual contributions made for that year by all members of the North Atlantic Treaty Organization toward the maintenance of such Assembly, and $50,000, $25,000 for the House delegation and $25,000 for the Senate delegation, or so much thereof as may be necessary, to assist in meeting the expenses of the United States Group of the North Atlantic Assembly for each fiscal year for which an appropriation is made, such appropriation to be dispersed on voucher to be approved by the Chairman of the House delegation and the Chairman of the Senate delegation. (July 11, 1956, c. 562, § 2, 70 Stat. 523; June 30, 1958, Pub. L. 85-477, ch. V, § 502(d), 72 Stat. 273; Nov. 14, 1967, Pub. L. 90-137, Pt. IV, § 401(a)(2), 81 Stat. 463; Feb. 7, 1972, Pub. L. 92-226, Pt. IV, § 405, 86 Stat. 34.)

TITLE 26.—INTERNAL REVENUE CODE

SUBTITLE A.—INCOME TAXES

Chapter 1.—NORMAL TAXES AND SURTAXES

* * * * * * *

Subchapter B.—Computation of Taxable Income

* * * * * * *

Part II.—ITEMS SPECIFICALLY INCLUDED IN GROSS INCOME

* * * * * * *

473 **§ 84. Transfer of appreciated property to political organization.**

473.1 **(a) General rule.**

If—

(1) any person transfers property to a political organization, and

(2) the fair market value of such property exceeds its adjusted basis,

then for purposes of this chapter the transferor shall be treated as having sold such property to the political organization on the date of the transfer, and the transferor shall be treated as having realized an amount equal to the fair market value of such property on such date.

473.2 **(b) Basis of property.**

In the case of a transfer of property to a political organization to which subsection (a) applies, the basis of such property in the hands of the political organization shall be the same as it would be in the hands of the transferor, increased by the amount of gain recognized to the transferor by reason of such transfer.

473.3 **(c) Political organization defined.**

For purposes of this section, the term "political organization" has the meaning given to such term by section 527(e)(1). (Jan. 3, 1975, Pub. L. 93-625, § 13(a), 88 Stat. 2120.)

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Part VI.—ITEMIZED DEDUCTIONS FOR INDIVIDUALS AND CORPORATIONS

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474 **§ 162. Trade or business expenses.**

474.1 **(a) In general.**

There shall be allowed as a deduction all the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, including—

(1) a reasonable allowance for salaries or other compensation for personal services actually rendered;

(2) traveling expenses (including amounts expended for meals and lodging other than amounts which are lavish or extravagant under the circumstances) while away from home in the pursuit of a trade or business; and

(3) rentals or other payments required to be made as a condition to the continued use or possession, for purposes of the trade or business, of property to which the taxpayer has not taken or is not taking title or in which he has no equity.

For purposes of the preceding sentence, the place of residence of a Member of Congress (including any Delegate and Resident Commissioner) within the State, congressional district, or possession which he represents in Congress shall be considered his home, but amounts expended by such Members within each taxable year for living expenses shall not be deductible for income tax purposes in excess of $3,000. (Aug. 16, 1954, ch. 736, 68A Stat. 45; Oct. 16, 1962, Pub. L. 87-834, § 4(b), 76 Stat. 960, 976; Oct. 4, 1976, Pub. L. 94-455, § 1901(c) (4), 90 Stat. 1803; Oct. 1, 1981, Pub. L. 97-51, § 139(b)(1), 95 Stat. 967; July 18, 1982, Pub. L. 97-216, § 215(a), 96 Stat. 194.)

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Subchapter F.—Exempt Organizations

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Part VI.—POLITICAL ORGANIZATIONS

§ 527. Political organizations. 474.5

(a) General rule. 474.6

A political organization shall be subject to taxation under this subtitle only to the extent provided in this section. A political organization shall be considered an organization exempt from income taxes for the purpose of any law which refers to organizations exempt from income taxes.

(b) Tax imposed. 474.7

(1) In general.—A tax is hereby imposed for each taxable year on the political organization taxable income of every political organization. Such tax shall be computed by multiplying the political organization taxable income by the highest rate of tax specified in section 11(b).

(2) Alternative tax in case of capital gains.—If for any taxable year any political organization has a net capital gain, then, in lieu of the tax imposed by paragraph (1), there is hereby imposed a tax (if such a tax is less than the tax imposed by paragraph (1)) which shall consist of the sum of—

> (A) a partial tax, computed as provided by paragraph (1), on the political organization taxable income determined by reducing such income by the amount of such gain, and
>
> (B) an amount determined as provided in section 1201(a) on such gain.

(c) Political organization taxable income defined. 474.8

(1) Taxable income defined.—For purposes of this section, the political organization taxable income of any organization for any taxable year is an amount equal to the excess (if any) of—

(A) the gross income for the taxable year (excluding any exempt function income), over

(B) the deductions allowed by this chapter which are directly connected with the production of the gross income (excluding exempt function income), computed with the modifications provided in paragraph (2).

(2) Modifications.—For purposes of this subsection—

(A) there shall be allowed a specific deduction of $100,

(B) no net operating loss deduction shall be allowed under section 172, and

(C) no deduction shall be allowed under part VIII of subchapter B (relating to special deductions for corporations).

(3) Exempt function income.—For purposes of this subsection, the term "exempt function income" means any amount received as—

(A) a contribution of money or other property,

(B) membership dues, a membership fee or assessment from a member of the political organization,

(C) proceeds from a political fundraising or entertainment event, or proceeds from the sale of political campaign materials, which are not received in the ordinary course of any trade or business, or

(D) proceeds from the conducting of any bingo game (as defined in section 513(f)(2)),

to the extent such amount is segregated for use only for the exempt function of the political organization.

474.9 **(d) Certain uses not treated as income to candidate.**

For purposes of this title, if any political organization—

(1) contributes any amount to or for the use of any political organization which is treated as exempt from tax under subsection (a) of this section,

(2) contributes any amount to or for the use of any organization described in paragraph (1) or (2) of section 509(a) which is exempt from tax under section 501(a), or

(3) deposits any amount in the general fund of the Treasury or in the general funds of any State or local government,

such amount shall be treated as an amount not diverted for the personal use of the candidate or any other person. No deduction shall be allowed under this title for the contribution or deposit of any amount described in the preceding sentence.

474.10 **(e) Other definitions.**

For purposes of this section—

(1) Political organization.—The term "political organization" means a party, committee, association, fund, or other organization (whether or not incorporated) organized and operated primarily for the purpose of directly or indirectly accepting contributions or making expenditures, or both, for an exempt function.

(2) Exempt function.—The term "exempt function" means the function of influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any Federal, State, or local public office or office in a political organization, or the election of Presidential or Vice-Presidential electors, whether or not

such individual or electors are selected, nominated, elected, or appointed. Such term includes the making of expenditures relating to an office described in the preceding sentence which, if incurred by the individual, would be allowable as a deduction under section 162(a).

(3) Contributions.—The term "contributions" has the meaning given to such term by section 271(b)(2).

(4) Expenditures.—The term "expenditures" has the meaning given to such term by section 271(b)(3).

* * * * * * *

(g) Treatment of newsletter funds. 474.11

(1) In general.—For purposes of this section, a fund established and maintained by an individual who holds, has been elected to, or is a candidate (within the meaning of paragraph (3)) for nomination or election to, any Federal, State, or local elective public office for use by such individual exclusively for the preparation and circulation of such individual's newsletter shall, except as provided in paragraph (2), be treated as if such fund constituted a political organization.

(2) Additional modifications.—In the case of any fund described in paragraph (1)—

(A) the exempt function shall be only the preparation and circulation of the newsletter, and

(B) the specific deduction provided by subsection (c)(2)(A) shall not be allowed.

(3) Candidate.—For purposes of paragraph (1), the term "candidate" means, with respect to any Federal, State, or local elective public office, an individual who—

(A) publicly announces that he is a candidate for nomination or election to such office, and

(B) meets the qualifications prescribed by law to hold such office.

(h) Special rule for principal campaign committees. 474.12

(1) In general.—In the case of a political organization which is a principal campaign committee, paragraph (1) of subsection (b) shall be applied by substituting "the appropriate rates" for "the highest rate".

(2) Principal campaign committee defined.—

(A) In general.—For purposes of this subsection, the term "principal campaign committee" means the political committee designated by a candidate for Congress as his principal campaign committee for purposes of—

(i) section 302(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)), and

(ii) this subsection.

(B) Designation.—A candidate may have only 1 designation in effect under subparagraph (A)(ii) at any time and such designation—

(i) shall be made at such time and in such manner as the Secretary may prescribe by regulations, and

(ii) once made, may be revoked only with the consent of the Secretary.

Nothing in this subsection shall be construed to require any designation where there is only one political committee with respect to a candidate. (Jan. 3, 1975, Pub. L. 93-625, § 10(a), 88 Stat. 2116; Oct. 4,

1976, Pub. L. 94-455, § 1901(b)(33)(c), 90 Stat. 1801; Oct. 21, 1978, Pub. L. 95-502, § 302(a), 92 Stat. 1702; Nov. 6, 1978, Pub. L. 95-600, § 301(b)(6), 92 Stat. 2821; Aug. 13, 1981, Pub. L. 97-34, § 128, 95 Stat. 203; July 18, 1984, Pub. L. 98-369, §§ 474(r)(16), 722(c), 98 Stat. 843, 973; Oct. 22, 1986, Pub. L. 99-514, § 112(b)(1), 100 Stat. 2085; Nov. 10, 1988, Pub. L. 100-647, § 1001(b)(3)(B), 102 Stat. 3349.)

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Subchapter P.—Capital Gains and Losses

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Part III.—GENERAL RULES FOR DETERMINING CAPITAL GAINS AND LOSSES

474.15 **§ 1221. Capital asset defined.**

For purposes of this subtitle, the term "capital asset" means property held by the taxpayer (whether or not connected with his trade or business), but does not include—

* * * * * * *

(5) a publication of the United States Government (including the Congressional Record) which is received from the United States Government or any agency thereof, other than by purchase at the price at which it is offered for sale to the public, and which is held by—

(A) a taxpayer who so received such publication, or

(B) a taxpayer in whose hands the basis of such publication is determined, for purposes of determining gain from a sale or exchange, in whole or in part by reference to the basis of such publication in the hands of a taxpayer described in subparagraph (A). (Aug. 16, 1954, ch. 736. 68A Stat. 321; Oct. 4, 1976, Pub. L. 94-455, § 2132 (a), 90 Stat. 1925; Aug. 13, 1981, Pub. L. 97-34, § 505 (a), 95 Stat 331.)

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SUBTITLE F.—PROCEDURE AND ADMINISTRATION

Chapter 61.—INFORMATION AND RETURNS

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Subchapter B.—Miscellaneous Provisions

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475 **§ 6103. Confidentiality and disclosure of returns and return information.**

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475.1 **(f) Disclosure to committees of Congress.**

(1) Committee on Ways and Means, Committee on Finance, and Joint Committee on Taxation.—Upon written request from the chairman of the Committee on Ways and Means of the House of Representatives, the chairman of the Committee on Finance of the Senate, or the chairman of the Joint Committee on Taxation, the Secretary shall furnish such committee with any return or return information specified in such request, except that any return or return information which can be associated

with, or otherwise identify, directly or indirectly, a particular taxpayer shall be furnished to such committee only when sitting in closed executive session unless such taxpayer otherwise consents in writing to such disclosure.

(2) Chief of Staff of Joint Committee on Taxation.—Upon written request by the Chief of Staff of the Joint Committee on Taxation, the Secretary shall furnish him with any return or return information specified in such request. Such Chief of Staff may submit such return or return information to any committee described in paragraph (1), except that any return or return information which can be associated with, or otherwise identify, directly or indirectly, a particular taxpayer shall be furnished to such committee only when sitting in closed executive session unless such taxpayer otherwise consents in writing to such disclosure.

(3) Other committees.—Pursuant to an action by, and upon written request by the chairman of, a committee of the Senate or the House of Representatives (other than a committee specified in paragraph (1)) specially authorized to inspect any return or return information by a resolution of the Senate or the House of Representatives or, in the case of a joint committee (other than the joint committee specified in paragraph (1)) by concurrent resolution, the Secretary shall furnish such committee, or a duly authorized and designated subcommittee thereof, sitting in closed executive session, with any return or return information which such resolution authorizes the committee or subcommittee to inspect. Any resolution described in this paragraph shall specify the purpose for which the return or return information is to be furnished and that such information cannot reasonably be obtained from any other source.

(4) Agents of committees and submission of information to Senate or House of Representatives.—

(A) Committees described in paragraph (1).—Any committee described in paragraph (1) or the Chief of Staff of the Joint Committee on Taxation shall have the authority, acting directly, or by or through such examiners or agents as the chairman of such committee or such chief of staff may designate or appoint, to inspect returns and return information at such time and in such manner as may be determined by such chairman or chief of staff. Any return or return information obtained by or on behalf of such committee pursuant to the provisions of this subsection may be submitted by the committee to the Senate or the House of Representatives, or to both. The Joint Committee on Taxation may also submit such return or return information to any other committee described in paragraph (1), except that any return or return information which can be associated with, or otherwise identify, directly or indirectly, a particular taxpayer shall be furnished to such committee only when sitting in closed executive session unless such taxpayer otherwise consents in writing to such disclosure.

(B) Other committees.—Any committee or subcommittee described in paragraph (3) shall have the right, acting directly, or by or through no more than four examiners or agents, designated or appointed in writing in equal numbers by the chairman and ranking minority member of such committee or subcommittee, to inspect returns and return information at such time and in such manner as may be determined by such chairman and ranking minority

member. Any return or return information obtained by or on behalf of such committee or subcommittee pursuant to the provisions of this subsection may be submitted by the committee to the Senate or the House of Representatives, or to both, except that any return or return information which can be associated with, or otherwise identify, directly or indirectly, a particular taxpayer, shall be furnished to the Senate or the House of Representatives only when sitting in closed executive session unless such taxpayer otherwise consents in writing to such disclosure. (Oct. 4, 1976, Pub. L. 94-455, § 1202(a), 90 Stat. 1667).

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475.5 **§ 6104. Publicity of information required from certain exempt organizations and certain trusts.**

475.6 **(a) Inspection of applications for tax exemption.**

(1) Public inspection.—

(A) Organizations described in section 501.—If an organization described in section 501 (c) or (d) is exempt from taxation under section 501(a) for any taxable year, the application filed by the organization with respect to which the Secretary made his determination that such organization was entitled to exemption under section 501(a), together with any papers submitted in support of such application, and any letter or other document issued by the Internal Revenue Service with respect to such application shall be open to public inspection at the national office of the Internal Revenue Service. In the case of any application filed after the date of the enactment of this subparagraph, a copy of such application and such letter or document shall be open to public inspection at the appropriate field office of the Internal Revenue Service (determined under regulations prescribed by the Secretary). Any inspection under this subparagraph may be made at such times, and in such manner, as the Secretary shall by regulations prescribe. After the application of any organization has been opened to public inspection under this subparagraph, the Secretary shall, on the request of any person with respect to such organization, furnish a statement indicating the subsection and paragraph of section 501 which it has been determined describes such organization.

(B) Pension, etc., plans.—The following shall be open to public inspection at such times and in such places as the Secretary may prescribe:

(i) any application filed with respect to the qualification of a pension, profit-sharing, or stock bonus plan under section 401(a) or 403(a), an individual retirement account described in section 408(a), or an individual retirement annuity described in section 408(b),

(ii) any application filed with respect to the exemption from tax under section 501(a) of an organization forming part of a plan or account referred to in clause (i),

(iii) any papers submitted in support of an application referred to in clause (i) or (ii), and

(iv) any letter or other document issued by the Internal Revenue Service and dealing with the qualification referred to in clause (i) or the exemption from tax referred to in clause (ii).

Except in the case of a plan participant, this subparagraph shall not apply to any plan referred to in clause (i) having not more than 25 participants.

(C) Certain names and compensation not to be open to public inspection.—In the case of any application, document, or other papers, referred to in subparagraph (B), information from which the compensation (including deferred compensation) of any individual may be ascertained shall not be opened to public inspection under subparagraph (B).

(D) Withholding of certain other information.—Upon request of the organization submitting any supporting papers described in subparagraph (A) or (B), the Secretary shall withhold from public inspection any information contained therein which he determines relates to any trade secret, patent, process, style of work, or apparatus, of the organization, if he determines that public disclosure of such information would adversely affect the organization. The Secretary shall withhold from public inspection any information contained in supporting papers described in subparagraph (A) or (B) the public disclosure of which he determines would adversely affect the national defense.

(2) Inspection by committee of Congress.—Section 6103(f) shall apply with respect to—

(A) the application for exemption of any organization described in section 501(c) or (d) which is exempt from taxation under section 501(a) for any taxable year, and any application referred to in subparagraph (B) of subsection (a)(1) of this section, and

(B) any other papers which are in the possession of the Secretary and which relate to such application,

as if such papers constituted returns. (Sept. 2, 1958, Pub. L. 85-866, § 75(a) 72 Stat. 1660; Sept. 2, 1974, Pub. L. 93-406, § 1022(g)(1), (2), 88 Stat. 940; Oct. 4, 1976, Pub. L. 94-455, §§ 1201(d), 1906(b)(13)(A), 90 Stat. 1667, 1834; Nov. 6, 1978, Pub. L. 95-600, § 703(m), 92 Stat. 2943; July 18, 1984, Pub. L. 98-369 § 491(d)(49), 98 Stat. 852.)

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SUBTITLE G.—THE JOINT COMMITTEE ON TAXATION

Chapter 91.—ORGANIZATION AND MEMBERSHIP OF THE JOINT COMMITTEE

§ 8001. Authorization. 476

There shall be a joint congressional committee known as the Joint Committee on Taxation (hereinafter in this subtitle referred to as the "Joint Committee"). (Aug. 16, 1954, ch. 736, 68A Stat. 925; Oct. 4, 1976, Pub. L. 94-455, § 1907(a)(1), 90 Stat. 1835.)

§ 8002. Membership. 476.1

(a) Number and selection. 476.2

The Joint Committee shall be composed of 10 members as follows:

(1) From Committee on Finance.—Five members who are members of the Committee on Finance of the Senate, three from the majority and two from the minority party, to be chosen by such Committee; and

(2) From Committee on Ways and Means.—Five members who are members of the Committee on Ways and Means of the House of Representatives, three from the majority and two from the minority party, to be chosen by such Committee.

476.3 **(b) Tenure of office.**

(1) General limitation.—No person shall continue to serve as a member of the Joint Committee after he has ceased to be a member of the committee by which he was chosen, except that—

(2) Exception.—The members chosen by the Committee on Ways and Means who have been reelected to the House of Representatives may continue to serve as members of the Joint Committee notwithstanding the expiration of the Congress.

476.4 **(c) Vacancies.**

A vacancy in the Joint Committee—

(1) Effect.—Shall not affect the power of the remaining members to execute the functions of the Joint Committee; and

(2) Manner of filling.—Shall be filled in the same manner as the original selection, except that—

(A) Adjournment or recess of Congress.—In case of a vacancy during an adjournment or recess of Congress for a period of more than 2 weeks, the members of the Joint Committee who are members of the Committee entitled to fill such vacancy may designate a member of such Committee to serve until his successor is chosen by such Committee; and

(B) Expiration of Congress.—In the case of a vacancy after the expiration of a Congress which would be filled by the Committee on Ways and Means, the members of such Committee who are continuing to serve as members of the Joint Committee may designate a person who, immediately prior to such expiration, was a member of such Committee and who is reelected to the House of Representatives, to serve until his successor is chosen by such Committee.

476.5 **(d) Allowances.**

The members shall serve without compensation in addition to that received for their services as members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Joint Committee, other than expenses in connection with meetings of the Joint Committee held in the District of Columbia during such times as the Congress is in session. (Aug. 16, 1954, ch. 736, 68A Stat. 925.)

476.6 **§ 8003. Election of chairman and vice chairman.**

The Joint Committee shall elect a chairman and vice chairman from among its members. (Aug. 16, 1954, ch. 736, 68A Stat. 926.)

476.7 **§ 8004. Appointment and compensation of staff.**

Except as otherwise provided by law, the Joint Committee shall have power to appoint and fix the compensation of the Chief of Staff of the

Joint Committee and such experts and clerical, stenographic, and other assistants as it deems advisable. (Aug. 16, 1954, ch. 736, 68A Stat. 926; Oct. 4, 1976, Pub. L. 94-455, § 1907(a)(2), 90 Stat. 1835.)

§ 8005. Payment of expenses. 476.8

The expenses of the Joint Committee shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives, upon vouchers signed by the chairman or the vice chairman. (Aug. 16, 1954, ch. 736, 68A Stat. 926.)

Chapter 92.—POWERS AND DUTIES OF THE JOINT COMMITTEE

§ 8021. Powers. 477

(a) To obtain data and inspect income returns. 477.1

For powers of the Joint Committee to obtain and inspect income returns, see section 6103(f).

(b) Relating to hearings and sessions. 477.2

The Joint Committee, or any subcommittee thereof, is authorized—

(1) To hold.—To hold hearings and to sit and act at such places and times;

(2) To require attendance of witnesses and production of books.—To require by subpoena (to be issued under the signature of the chairman or vice chairman) or otherwise the attendance of such witnesses and the production of such books, papers, and documents;

(3) To administer oaths.—To administer such oaths; and

(4) To take testimony.—To take such testimony;

as it deems advisable.

(c) To procure printing and binding. 477.3

The Joint Committee, or any subcommittee thereof, is authorized to have such printing and binding done as it deems advisable.

(d) To make expenditures. 477.4

The Joint Committee, or any subcommittee thereof, is authorized to make such expenditures as it deems advisable. (Aug. 16, 1954, ch. 736, 68A Stat. 927; Oct. 4, 1976, Pub. L. 94-455, § 1907(a)(3), 90 Stat. 1835; Nov. 10, 1988, Pub. L. 100-647, § 1018(a)(1), 102 Stat. 3586.)

§ 8022. Duties. 477.5

It shall be the duty of the Joint Committee—

(1) Investigation.— 477.6

(A) Operation and effects of law.—To investigate the operation and effects of the Federal system of internal revenue taxes;

(B) Administration.—To investigate the administration of such taxes by the Internal Revenue Service or any executive department, establishment, or agency charged with their administration; and

(C) Other investigations.—To make such other investigations in respect of such system of taxes as the Joint Committee may deem necessary.

(2) Simplification of law.— 477.7

(A) Investigation of methods.—To investigate measures and methods for the simplification of such taxes, particularly the income tax; and

(B) Publication of proposals.—To publish, from time to time, for public examination and analysis, proposed measures and methods for the simplification of such taxes.

477.8 (3) Reports.—To report, from time to time, to the Committee on Finance and the Committee on Ways and Means, and, in its discretion, to the Senate or the House of Representatives, or both, the results of its investigations, together with such recommendations as it may deem advisable.

477.9 (4) Cross reference.—

For duties of the Joint Committee relating to refunds of income and estate taxes, see section 6405. (Aug. 16, 1954, ch. 736, 68A Stat. 927.)

478 § 8023. Additional powers to obtain data.

478.1 (a) Securing of data.

The Joint Committee or the Chief of Staff of the Joint Committee, upon approval of the Chairman or Vice Chairman, is authorized to secure directly from the Internal Revenue Service or the office of the Chief Counsel for the Internal Revenue Service, or directly from any executive department, board, bureau, agency, independent establishment, or instrumentality of the Government, information, suggestions, rulings, data, estimates, and statistics, for the purpose of making investigations, reports, and studies relating to internal revenue taxation. In the investigation by the Joint Committee on Taxation of the administration of the internal revenue taxes by the Internal Revenue Service, the Chief of Staff of the Joint Committee on Taxation is authorized to secure directly from the Internal Revenue Service such tax returns, or copies of tax returns, and other relevant information, as the Chief of Staff deems necessary for such investigation, and the Internal Revenue Service is authorized and directed to furnish such tax returns and information to the Chief of Staff together with a brief report, with respect to each return, as to any action taken or proposed to be taken by the Service as a result of any audit of the return.

478.2 (b) Furnishing of data.

The Internal Revenue Service, the office of the Chief Counsel for the Internal Revenue Service, executive departments, boards, bureaus, agencies, independent establishments, and instrumentalities are authorized and directed to furnish such information, suggestions, rulings, data, estimates, and statistics directly to the Joint Committee or to the Chief of Staff of the Joint Committee, upon request made pursuant to this section.

478.3 (c) Application of subsections (a) and (b).

Subsections (a) and (b) shall be applied in accordance with their provisions without regard to any reorganization plan becoming effective on, before, or after the date of the enactment of this subsection. (Aug. 16, 1954, ch. 736, 68A Stat. 928; Sept. 22, 1959, Pub. L. 86-368, § 2(b), 73 Stat.

648; Oct. 4, 1976, Pub. L. 94-455, §§ 1210(c), 1907(a)(4), 90 Stat. 1711, 1835.)

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SUBTITLE H.—FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS

Chapter 95.—PRESIDENTIAL ELECTION CAMPAIGN FUND

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§ 9009. Reports to Congress; regulations. 478.5

(a) Reports. 478.6

The Commission shall, as soon as practicable after each presidential election, submit a full report to the Senate and House of Representatives setting forth—

(1) the qualified campaign expenses (shown in such detail as the Commission determines necessary) incurred by the candidates of each political party and their authorized committees;

(2) the amounts certified by it under section 9005 for payment to the eligible candidates for each political party;

(3) the amount of payments, if any, required from such candidates under section 9007, and the reasons for each payment required;

(4) the expensees incurred by the national committee of a major party or minor party with respect to a presidential nominating convention;

(5) the amounts certified by it under section 9008(g) for payment to each such committee; and

(6) the amount of payments, if any, required from such committees under section 9008(h), and the reasons for each such payment.

Each report submitted pursuant to this section shall be printed as a Senate document.

(b) Regulations, etc. 478.7

The Commission is authorized to prescribe such rules and regulations in accordance with the provisions of subsection (c), to conduct such examinations and audits (in addition to the examinations and audits required by section 9007(a)), to conduct such investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this chapter.

(c) Review of regulations. 478.8

(1) The Commission, before prescribing any rule or regulation under subsection (b), shall transmit a statement with respect to such rule or regulation to the Senate and to the House of Representatives, in accordance with the provisions of this subsection. Such statement shall set forth the proposed rule or regulation and shall contain a detailed explanation and justification of such rule or regulation.

(2) If either such House does not, through appropriate action, disapprove the proposed rule or regulation set forth in such statement no later than 30 legislative days after receipt of such statement, then the Commission may prescribe such rule or regulation. Whenever a committee of the House of Representatives reports any resolution relating to

any such rule or regulation, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to. The Commission may not prescribe any rule or regulation which is disapproved by either such House under this paragraph.

(3) For purposes of this subsection, the term "legislative days" does not include any calendar day on which both Houses of the Congress are not in session.

(4) For purposes of this subsection, the term "rule or regulation" means a provision or series of interrelated provisions stating a single separable rule of law. (Dec. 10, 1971, Pub. L. 92-178, § 801, 85 Stat. 569; Oct. 15, 1974, Pub. L. 93-443, §§ 404(c)(12), (13), 406(b), 88 Stat. 1292, 1296; May 11, 1976, Pub. L. 94-283, § 304(a), 90 Stat. 498.)

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Chapter 96.—PRESIDENTIAL PRIMARY MATCHING PAYMENT ACCOUNT

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478.10 **§ 9039. Reports to Congress; regulations.**

478.11 **(a) Reports.**

The Commission shall, as soon as practicable after each matching payment period, submit a full report to the Senate and House of Representatives setting forth—

(1) the qualified campaign expenses (shown in such detail as the Commission determines necessary) incurred by the candidates of each political party and their authorized committees,

(2) the amounts certified by it under section 9036 for payment to each eligible candidate, and

(3) the amount of payments, if any, required from candidates under section 9038, and the reasons for each payment required.

Each report submitted pursuant to this section shall be printed as a Senate document.

478.12 **(b) Regulations, etc.**

The Commission is authorized to prescribe rules and regulations in accordance with the provisions of subsection (c), to conduct examinations and audits (in addition to the examinations and audits required by section 9038(a)), to conduct investigations, and to require the keeping and submission of any books, records, and information, which it determines to be necessary to carry out its responsibilities under this chapter.

478.13 **(c) Review of regulations.**

(1) The Commission, before prescribing any rule or regulation under subsection (b), shall transmit a statement with respect to such rule or regulation to the Senate and to the House of Representatives, in accordance with the provisions of this subsection. Such statement shall set forth the proposed rule or regulation and shall contain a detailed explanation and justification of such rule or regulation.

(2) If either such House does not, through appropriate action, disapprove the proposed rule or regulation set forth in such statement no later than 30 legislative days after receipt of such statement, then the Commission may prescribe such rule or regulation. Whenever a committee of the House of Representatives reports any resolution relating to any such rule or regulation, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to. The Commission may not prescribe any rule or regulation which is disapproved by either such House under this paragraph.

(3) For purposes of this subsection, the term "legislative days" does not include any calendar day on which both Houses of the Congress are not in session.

(4) For purposes of this subsection, the term "rule or regulation" means a provision or series of interrelated provisions stating a single separable rule of law. (Oct. 15, 1974, Pub. L. 93-443, § 408(c), 88 Stat. 1301; May 11, 1976, Pub. L. 94-283, § 304(b), 90 Stat. 499.)

TITLE 28.—JUDICIARY AND JUDICIAL PROCEDURE

Chapter 39.—INDEPENDENT COUNSEL

479 § 595. Congressional oversight.

(a) OVERSIGHT OF CONDUCT OF INDEPENDENT COUNSEL.—

(1) CONGRESSIONAL OVERSIGHT.—The appropriate committees of the Congress shall have oversight jurisdiction with respect to the official conduct of any independent counsel appointed under this chapter, and such independent counsel shall have the duty to cooperate with the exercise of such oversight jurisdiction.

(2) REPORTS TO CONGRESS.—An independent counsel appointed under this chapter shall submit to the Congress such statements or reports on the activities of such independent counsel as the independent counsel considers appropriate.

(b) OVERSIGHT OF CONDUCT OF ATTORNEY GENERAL.—Within 15 days after receiving an inquiry about a particular case under this chapter, which is a matter of public knowledge, from a committee of the Congress with jurisdiction over this chapter, the Attorney General shall provide the following information to that committee with respect to that case:

(1) When the information about the case was received.

(2) Whether a preliminary investigation is being conducted, and if so, the date it began.

(3) Whether an application for the appointment of an independent counsel or a notification that further investigation is not warranted has been filed with the division of the court, and is so, the date of such filing.

(c) INFORMATION RELATING TO IMPEACHMENT.—An independent counsel shall advise the House of Representatives of any substantial and credible information which such independent counsel receives, in carrying out the independent counsel's responsibilities under this chapter, that may constitute grounds for an impeachment. Nothing in this chapter or section 49 of this title shall prevent the Congress or either House thereof from obtaining information in the course of an impeachment proceeding. (Added Oct. 26, 1978, Pub. L. 95-521, Title VI, § 601(a), 92 Stat. 1871; Jan. 3, 1983, Pub. L. 97-409, § 2; Dec. 15, 1987, Pub. L. 100-191, § 2, 101 Stat. 1304.)

479.1 § 596. Removal of an independent counsel; termination of office.

(a) REMOVAL; REPORT ON REMOVAL.—

(1) GROUNDS FOR REMOVAL.—An independent counsel appointed under this chapter may be removed from office, other than by impeachment and conviction, only by the personal action of the Attorney General and only for good cause, physical disability, mental incapacity, or any other condition that substantially impairs the performance of such independent counsel's duties.

(2) REPORT TO DIVISION OF THE COURT AND CONGRESS.—If an independent counsel is removed from office, the Attorney General shall

promptly submit to the division of the court and the Committees on the Judiciary of the Senate and the House of Representatives a report specifying the facts found and the ultimate grounds for such removal. The committees shall make available to the public such report, except that each committee may, if necessary to protect the rights of any individual named in the report or to prevent undue interference with any pending prosecution, postpone or refrain from publishing any or all of the report. The division of the court may release any or all of such report in accordance with section 594(h)(2).

(3) JUDICIAL REVIEW OF REMOVAL.—An independent counsel removed from office may obtain judicial review of the removal in a civil action commenced in the United States District Court for the District of Columbia. A member of the division of the court may not hear or determine any such civil action or any appeal of a decision in any such civil action. The independent counsel may be reinstated or granted other appropriate relief by order of the court.

(b) TERMINATION OF OFFICE.—

(1) TERMINATION BY ACTION OF INDEPENDENT COUNSEL.—An office of independent counsel shall terminate when—

(A) the independent counsel notifies the Attorney General that the investigation of all matters within the prosecutorial jurisdiction of such independent counsel or accepted by such independent counsel under section 594(e), and any resulting prosecutions, have been completed or so substantially completed that it would be appropriate for the Department of Justice to complete such investigations and prosecutions; and

(B) the independent counsel files a final report in compliance with section 594(h)(1)(B).

(2) TERMINATION BY DIVISION OF THE COURT.—The division of the court, either on its own motion or upon the request of the Attorney General, may terminate an office of independent counsel at any time, on the ground that the investigation of all matters within the prosecutorial jurisdiction of such independent counsel or accepted by such independent counsel under section 594(e), and any resulting prosecutions, have been completed or so substantially completed that it would be appropriate for the Department of Justice to complete such investigations and prosecutions. At the same time of such termination, the independent counsel shall file the final report required by section 594(h)(1)(B).

(c) AUDITS.—After the termination of the office of an independent counsel, the Comptroller General shall conduct an audit of the expenditures of that office, and shall submit to the appropriate committees of the Congress a report on the audit. (Added Oct. 26, 1978, Pub. L. 95-521, Title VI, § 601(a), 92 Stat. 1872; Jan. 3, 1983, Pub. L. 97-409, § 2; Dec. 15, 1987, Pub. L. 100-191, § 2, 101 Stat. 1304.)

Chapter 85.—DISTRICT COURTS: JURISDICTION

§ 1365. Senate actions. 479.2

(a) The United States District Court for the District of Columbia shall have original jurisdiction, without regard to the amount in controversy, over any civil action brought by the Senate or any authorized committee or subcommittee of the Senate to enforce, to secure a declaratory judgment concerning the validity of, or to prevent a threatened refusal or failure to comply with, any subpena or order issued by the Senate or committee or subcommittee of the Senate to any entity acting or purporting to act under color or authority of State law or to any natural person to secure the production of documents or other materials of any kind or the answering of any deposition or interrogatory or to secure testimony or any combination thereof. This section shall not apply to an action to enforce, to secure a declaratory judgment concerning the validity of, or to prevent a threatened refusal to comply with, any subpena or order issued to an officer or employee of the Federal Government acting within his official capacity.

(b) Upon application by the Senate or any authorized committee or subcommittee of the Senate, the district court shall issue an order to an entity or person refusing, or failing to comply with, or threatening to refuse or not to comply with, a subpena or order of the Senate or committee or subcommittee of the Senate requiring such entity or person to comply forthwith. Any refusal or failure to obey a lawful order of the district court issued pursuant to this section may be held by such court to be a contempt thereof. A contempt proceeding shall be commenced by an order to show cause before the court why the entity or person refusing or failing to obey the court order should not be held in contempt of court. Such contempt proceeding shall be tried by the court and shall be summary in manner. The purpose of sanctions imposed as a result of such contempt proceeding shall be to compel obedience to the order of the court. Process in any such action or contempt proceeding may be served in any judicial district wherein the entity or party refusing, or failing to comply, or threatening to refuse or not to comply, resides, transacts business, or may be found, and subpenas for witnesses who are required to attend such proceeding may run into any other district. Nothing in this section shall confer upon such court jurisdiction to affect by injunction or otherwise the issuance or effect of any subpena or order of the Senate or any committee or subcommittee of the Senate or to review, modify, suspend, terminate, or set aside any such subpena or order. An action, contempt proceeding, or sanction brought or imposed pursuant to this section shall not abate upon adjournment sine die by the Senate at the end of a Congress if the Senate or the committee or subcommittee of the Senate which issued the subpena or order certifies to the court that it maintains its interest in securing the documents, answers, or testimony during such adjournment.

(c) **Repealed** (Aug. 8, 1984, § 402(29)(D), Pub. L. 98-620, 98 Stat. 3359.)

(d) The Senate or any committee or subcommittee of the Senate commencing and prosecuting a civil action or contempt proceeding under this section may be represented in such action by such attorneys as the Senate may designate.

(e) A civil action commenced or prosecuted under this section, may not be authorized pursuant to the Standing Order of the Senate "authorizing suits by Senate Committees" (S. Jour. 572, May 28, 1928).

(f) For the purposes of this section the term "committee" includes standing, select, or special committees of the Senate established by law or resolution. (Added Oct. 26, 1978, Pub. L. 95-521, Title VII, § 705(f)(1), 92 Stat. 1879.)

Chapter 91.—UNITED STATES CLAIMS COURT

§ 1492. Congressional reference cases. 479.3

Any bill, except a bill for a pension, may be referred by either House of Congress to the chief judge of the United States Claims Court for a report in conformity with section 2509 of this title. (June 25, 1948, c. 646, 62 Stat. 941; Oct. 15, 1966, Pub. L. 89-681, § 1, 80 Stat. 958. April 2, 1982, Pub. L. 97-164, Title I, 133(b), 96 Stat. 40.)

Chapter 115.—EVIDENCE; DOCUMENTARY

§ 1736. Congressional Journals. 480

Extracts from the Journals of the Senate and the House of Representatives, and from the Executive Journal of the Senate when the injunction of secrecy is removed, certified by the Secretary of the Senate or the Clerk of the House of Representatives shall be received in evidence with the same effect as the originals would have. (June 25, 1948, ch. 646, § 1, 62 Stat. 947.)

Chapter 131.—RULES OF COURTS

§ 2076. Repealed (Pub. L. 100-702 § 401(c); 102 Stat. 4650.) 480.3

Chapter 165.—UNITED STATES CLAIMS COURT PROCEDURE

§ 2509. Congressional reference cases. 480.5

(a) Whenever a bill, except a bill for a pension, is referred by either House of Congress to the chief judge of the United States Claims Court pursuant to section 1492 of this title, the chief judge shall designate a judge as hearing officer for the case and a panel of three judges of the court to serve as a reviewing body. One member of the review panel shall be designated as presiding officer of the panel.

(b) Proceedings in a congressional reference case shall be under rules and regulations prescribed for the purpose by the chief judge who is hereby authorized and directed to require the application of the pertinent rules of practice of the Claims Court insofar as feasible. Each hearing officer and each review panel shall have authority to do and perform any acts which may be necessary or proper for the efficient performance of their duties, including the power of subpena and the power to administer oaths and affirmations. None of the rules, rulings, findings, or conclusions authorized by this section shall be subject to judicial review.

(c) The hearing officer to whom a congressional reference case is assigned by the chief judge shall proceed in accordance with the applicable rules to determine the facts, including facts relating to delay or laches, facts bearing upon the question whether the bar of any statute of limitation should be removed, or facts claimed to excuse the claimant for not having resorted to any established legal remedy. He shall append to his findings of fact conclusions sufficient to inform Congress whether the demand is a legal or equitable claim or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

(d) The findings and conclusions of the hearing officer shall be submitted by him, together with the record in the case, to the review panel for review by it pursuant to such rules as may be provided for the purpose, which shall include provision for submitting the report of the hearing officer to the parties for consideration, exception, and argument before the panel. The panel, by majority vote, shall adopt or modify the findings or the conclusions of the hearing officer.

(e) The panel shall submit its report to the chief judge for transmission to the appropriate House of Congress.

(f) Any act or failure to act or other conduct by a party, a witness, or an attorney which would call for the imposition of sanctions under the rules of practice of the Claims Court shall be noted by the panel or the hearing officer at the time of occurrence thereof and upon failure of the delinquent or offending party, witness, or attorney to make prompt compliance with the order of the panel or the hearing officer a full statement of the circumstances shall be incorporated in the report of the panel.

(g) The Claims Court is hereby authorized and directed, under such regulations as it may prescribe, to provide the facilities and services of the office of the clerk of the court for the filing, processing, hearing, and dispatch of congressional reference cases and to include within its annual appropriations the costs thereof and other costs of administration, including (but without limitation to the items herein listed) the salaries and traveling expenses of the judges serving as hearing officers and panel members, mailing and service of process, necessary physical facilities, equipment, and supplies, and personnel (including secretaries and law clerks). (Oct. 15, 1966, Pub. L. 89-681, § 2, 80 Stat. 958; April 2, 1982, Pub. L. 97-164, Title I, § 139(h), 96 Stat. 42.)

TITLE 31.—MONEY AND FINANCE

Chapter 7.—GENERAL ACCOUNTING OFFICE

§ 701. Definitions. 481

In this chapter—

(1) "agency" includes the District of Columbia government but does not include the legislative branch or the Supreme Court.

(2) "appropriations" means appropriated amounts and includes, in appropriate context—

(A) funds;

(B) authority to make obligations by contract before appropriations; and

(C) Other authority making amounts available for obligation or expenditure. (Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 887.)

§ 712. Investigating the use of public money. 481.1

The Comptroller General shall—

(1) investigate all matters related to the receipt, disbursement, and use of public money;

(2) estimate the cost to the United States Govenment of complying with each restriction on expenditures of a specific appropriation in a general appropriation law and report each estimate to Congress with recommendations the Comptroller General considers desirable;

(3) analyze expenditures of each executive agency the Comptroller General believes will help Congress decide whether public money has been used and expended economically and efficiently;

(4) make an investigation and report ordered by either House of Congress or a committee of Congress having jurisdiction over revenue, appropriations, or expenditures; and

(5) give a committee of Congress having jurisdiction over revenue, appropriations, or expenditures, the help and information the committee requests. (Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 889.)

§ 717. Evaluating programs and activities of the United States Government. 481.2

(a) In this section, "agency" means a department, agency, or instrumentality of the United States Government (except a mixed-ownership Government corporation) or the District of Columbia government.

(b) The Comptroller General shall evaluate the results of a program or activity the Government carries out under existing law—

(1) on the initiative of the Comptroller General;

(2) when either House of Congress orders an evaluation; or

(3) when a committee of Congress with jurisdiction over the program or activity requests the evaluation.

(c) The Comptroller General shall develop and recommend to Congress ways to evaluate a program or activity the Government carries out under existing law.

(d)(1) On request of a committee of Congress, the Comptroller General shall help the committee to—

(A) develop a statement of legislative goals and ways to assess and report program performance related to the goals, including recommended ways to assess performance, information to be reported, responsibility for reporting, frequency of reports and feasibility of pilot testing; and

(B) assess program evaluations prepared by and for an agency.

(2) On request of a member of Congress, the Comptroller General shall give the member a copy of the material the Comptroller General compiles in carrying out this subsection that has been released by the committee for which the material was compiled. (Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 893.)

481.3 § 718. Availability of draft reports.

(a) A draft report of an audit under section 714 of this title shall be submitted to the Financial Institutions Examination Council, the Federal Reserve Board, the Federal Deposit Insurance Corporation, or the Office of the Comptroller of the Currency for comment for 30 days.

(b)(1) The Comptroller General may submit a part of a draft report to an agency for comment for more than 30 days only if the Comptroller General decides, after a showing by the agency, that a longer period is necessary and likely to result in a more accurate report. The report may not be delayed because the agency does not comment within the comment period.

(2) When a draft report is submitted to an agency for comment, the Comptroller General shall make the draft report available on request to—

(A) either House of Congress, a committee of Congress, or a member of Congress if the report was begun because of a request of the House, committee, or member; or

(B) the Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House of Representatives if the report was not begun because of a request of either House of Congress, a committee of Congress, or a member of Congress.

(3) This subsection is subject to statutory and executive order guidelines for handling and storing classified information and material.

(c) A final report of the Comptroller General shall include—

(1) a statement of significant changes of a finding, conclusion, or recommendation in an earlier draft report because of comments on the draft by an agency;

(2) a statement of the reasons the changes were made; and

(3) for a draft report submitted under subsection (a) of this section, written comments of the agency submitted during the comment period. (Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 894.)

481.4 § 719. Comptroller General reports.

(a) At the beginning of each regular session of Congress, the Comptroller General shall report to Congress (and to the President when requested by the President) on the work of the Comptroller General. A report shall include recommendations on—

(1) legislation the Comptroller General considers necessary to make easier the prompt and accurate making and settlement of accounts; and

(2) other matters related to the receipt, disbursement, and use of public money the Comptroller General considers advisable.

(b)(1) the Comptroller General shall include in the report to Congress under subsection (a) of this section—

(A) a review of activities under sections 717 (b)–(d) and 731(e)(2) of this title, including recommendations under section 717(c) of this title;

(B) information on carrying out duties and powers of the Comptroller General under clauses (A) and (C) of this paragraph, subsections (g) and (h) of this section, and sections 717, 731(e)(2), 734, 1112, and 1113 of this title; and

(C) the name of each officer and employee of the General Accounting Office assigned or detailed to a committee of Congress, the committee to which the officer or employee is assigned or detailed, the length of the period of assignment or detail, a statement on whether the assignment or detail is finished or continuing, and compensation paid out of appropriations available to the Comptroller General for the period of the assignment or detail that has been completed.

(2) In a report under subsection (a) of this section or in a special report to Congress when Congress is in session, the Comptroller General shall include recommendations on greater economy and efficiency in public expenditures.

(c) The Comptroller General shall report to Congress—

(1) specially on expenditures and contracts an agency makes in violation of law;

(2) on the adequacy and effectiveness of—

(A) administrative audits of accounts and claims in an agency; and

(B) inspections by an agency of offices and accounts of fiscal officials; and

(3) as frequently as practicable on audits carried out under sections 713 and 714 of this title.

(d) The Comptroller General shall report each year to the Committees on Finance and Governmental Affairs of the Senate, the Committees on Ways and Means and Government Operations of the House of Representatives, and the Joint Committee on Taxation. Each report shall include—

(1) procedures and requirements the Comptroller General, the Commissioner of Internal Revenue, and the Director of the Bureau of Alcohol, Tobacco, and Firearms, prescribe to protect the confidentiality of returns and return information made available to the Comptroller General under section 713(b)(1) of this title;

(2) the scope and subject matter of audits under section 713 of this title; and

(3) findings, conclusions, or recommendations the Comptroller General develops as a result of an audit under section 713 of this title, including significant evidence of inefficiency or mismanagement.

(e) The Comptroller General shall report on analyses carried out under section 712(3) of this title to the Committees on Governmental Affairs and Appropriations of the Senate, the Committees on Government Operations and Appropriations of the House, and the committees with jurisdiction over legislation related to the operation of each executive agency.

(f) The Comptroller General shall give the President information on expenditures and accounting the President requests.

(g) When the Comptroller General submits a report to Congress, the Comptroller General shall deliver copies of the report to—

(1) the Committees on Governmental Affairs and Appropriations of the Senate;

(2) the Committees on Government Operations and Appropriations of the House;

(3) a committee of Congress that requested information on any part of a program or activity of a department, agency, or instrumentality of the United States Government (except a mixed-ownership Government corporation) or the District of Columbia government that is the subject of any part of a report; and

(4) any other committee of Congress requesting a copy.

(h)(1) The Comptroller General shall prepare—

(A) each month a list of reports issued during the prior month; and

(B) at least once each year a list of reports issued during the prior 12 months.

(2) A copy of each list shall be sent to each committee of Congress and each member of Congress. On request, the Comptroller General promptly shall provide a copy of a report to a committee or member.

(i) On request of a committee of Congress, the Comptroller General shall explain to and discuss with the committee or committee staff a report the Comptroller General makes that would help the committee—

(1) evaluate a program or activity of an agency within the jurisdiction of the committee; or

(2) in its consideration of proposed legislation. (Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 894.)

481.5 § 720. Agency reports.

(a) In this section, "agency" means a department, agency, or instrumentality of the United States Government (except a mixed-ownership Government corporation) or the District of Columbia government.

(b) When the Comptroller General makes a report that includes a recommendation to the head of an agency, the head of the agency shall submit a written statement on action taken on the recommendation by the head of the agency. The statement shall be submitted to—

(1) The Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House of Representatives before the 61st day after the date of the report; and

(2) The Committees on Appropriations of both Houses of Congress in the first request for appropriations submitted more than 60 days after the date of the report. (Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 896.)

481.6 § 734. Assignments and details to Congress.

The Comptroller General may assign or detail an officer or employee of the General Accounting Office to full-time continuous duty with a committee of Congress for not more than one year.

Chapter 11.—THE BUDGET AND FISCAL, BUDGET, AND PROGRAM INFORMATION

§ 1101. Definitions. 482

In this chapter—

(1) "agency" includes the District of Columbia government but does not include the legislative branch or the Supreme Court.

(2) "appropriations" means appropriated amounts and includes, in appropriate context—

(A) funds;

(B) authority to make obligations by contract before appropriations; and

(C) other authority making amounts available for obligation or expenditure. (Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 907.)

§ 1102. Fiscal year. 482.1

The fiscal year of the Treasury begins on October 1 of each year and ends on September 30 of the following year. Accounts of receipts and expenditures required under law to be published each year shall be published for the fiscal year. (Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 908.)

§ 1103. Budget ceiling. 483

Congress reaffirms its commitment that budget outlays of the United States Government for a fiscal year may be not more than the receipts of the Government for that year. (Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 908.)

§ 1104. Budget and appropriations authority of the President. 483.1

(a) The President shall prepare budgets of the United States Government under section 1105 of this title and proposed deficiency and supplemental appropriations under section 1107 of this title. To the extent practicable, the President shall use uniform terms in stating the purposes and conditions of appropriations.

(b) Except as provided in this chapter, the President shall prescribe the contents and order of statements in the budget on expenditures and estimated expenditures and statements on proposed appropriations and information submitted with the budget and proposed appropriations. The President shall include with the budget and proposed appropriations information on personnel and other objects of expenditure in the way that information was included in the budget for fiscal year 1950. However, the requirement that information be included in the budget in that way may be waived or changed by joint action of the Committees on Appropriations of both Houses of Congress. This subsection does not limit the authority of a committee of Congress to request information in a form it prescribes.

(c) When the President makes a basic change in the form of the budget, the President shall submit with the budget information showing where items in the budget for the prior fiscal year are contained in the present budget. However, the President may change the functional categories in the budget only in consultation with the Committees on Appropriations and on the Budget of both Houses of Congress. Committees of the House of Representatives and Senate shall receive prompt notification of all such changes.

(d) The President shall develop programs and prescribe regulations to improve the compilation, analysis, publication, and dissemination of statistical information by executive agencies. The President shall carry out this subsection through the Administrator for the Office of Information and Regulatory Affairs in the Office of Management and Budget.

(e) Under regulations prescribed by the President, each agency shall provide information required by the President in carrying out this chapter. The President has access to, and may inspect, records of an agency to obtain information. (Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 908; Pub. L. 99-177, Dec. 12, 1985, 99 Stat. 1060.)

484 **§ 1105. Budget contents and submission to Congress.**

(a) On or before the first Monday after January 3 of each year (or on or before February 5 in 1986) the President shall submit a budget of the United States Government for the following fiscal year. Each budget shall include a budget message and summary and supporting information. The President shall include in each budget the following:

(1) information on activities and functions of the Government;

(2) when practicable, information on costs and achievements of Government programs;

(3) other desirable classifications of information;

(4) a reconciliation of the summary information on expenditures with proposed appropriations;

(5) except as provided in subsection (b) of this section, estimated expenditures and proposed appropriations the President decides are necessary to support the Government in the fiscal year for which the budget is submitted and the 4 fiscal years after that year;

(6) estimated receipts of the Government in the fiscal year for which the budget is submitted and the 4 fiscal years after that year under—

(A) laws in effect when the budget is submitted; and

(B) proposals in the budget to increase revenues;

(7) appropriations, expenditures, and receipts of the Government in the prior fiscal year;

(8) estimated expenditures and receipts, and appropriations and proposed appropriations, of the Government for the current fiscal year;

(9) balanced statement of the—

(A) condition of the Treasury at the end of the prior fiscal year;

(B) estimated condition of the Treasury at the end of the current fiscal year; and

(C) estimated condition of the Treasury at the end of the fiscal year for which the budget is submitted if financial proposals in the budget are adopted;

(10) essential information about the debt of the Government;

(11) other financial information the President decides is desirable to explain in practicable detail the financial condition of the Government;

(12) for each proposal in the budget for legislation that would establish or expand a Government activity or function, a table showing—

(A) the amount proposed in the budget for appropriation and for expenditure because of the proposal in the fiscal year for which the budget is submitted; and

(B) the estimated appropriation required because of the proposal for each of the 4 fiscal years after that year that the proposal will be in effect;

(13) an allowance for additional estimated expenditures and proposed appropriations for the fiscal year for which the budget is submitted;

(14) an allowance for unanticipated uncontrollable expenditures for that year;

(15) a separate statement on each of the items referred to in section 301(a) (1)-(5) of the Congressional Budget Act of 1974 (2 U.S.C. 632(a) (1)-(5));

(16) the level of tax expenditures under existing law in the tax expenditures budget (as defined in section 3(a)(3) of the Congressional Budget Act of 1974 (2 U.S.C. 622(a)(3)) for the fiscal year for which the budget is submitted, considering projected economic factors and changes in the existing levels based on proposals in the budget;

(17) information on estimates of appropriations for the fiscal year following the fiscal year for which the budget is submitted for grants, contracts, and other payments under each program for which there is an authorization of appropriations for that following fiscal year when the appropriations are authorized to be included in an appropriation law for the fiscal year before the fiscal year in which the appropriation is to be available for obligation;

(18) a comparison of the total amount of budget outlays for the prior fiscal year, estimated in the budget submitted for that year, for each major program having relatively uncontrollable outlays with the total amount of outlays for that program in that year;

(19) a comparison of the total amount of receipts for the prior fiscal year, estimated in the budget submitted for that year, with receipts received in that year, and for each major source of receipts, a comparison of the amount of receipts estimated in that budget with the amount of receipts from that source in that year;

(20) an analysis and explanation of the differences between each amount compared under clauses (18) and (19) of this subsection.

(21) a horizontal budget showing—

(A) the program for meteorology and the National Climate Program established under section 5 of the National Climate Program Act (15 U.S.C. 2904);

(B) specific aspects of the program of, and appropriations for, each agency; and

(C) estimated goals and financial requirements.

(22) a statement of budget authority, proposed budget authority, budget outlays, and proposed budget outlays, and descriptive information in terms of—

(A) a detailed structure of national needs that refers to the missions and programs of agencies (as defined in section 101 of this title); and

(B) the missions and basic programs;

(23) separate appropriation accounts for appropriations under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.)

and the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.);

(24) recommendations on the return of Government capital to the Treasury by a mixed-ownership corporation (as defined in section 9101 (2) of this title) that the President decides are desirable;

(25) a separate statement, for each agency having an Office of Inspector General, of the amount of the appropriation requested for the Office.

(b) Estimated expenditures and proposed appropriations for the legislative branch and the judicial branch to be included in each budget under subsection (a)(5) of this section shall be submitted to the President before October 16 of each year and included in the budget by the President without change.

(c) The President shall recommend in the budget appropriate action to meet an estimated deficiency when the estimated receipts for the fiscal year for which the budget is submitted (under laws in effect when the budget is submitted) and the estimated amounts in the Treasury at the end of the current fiscal year available for expenditure in the fiscal year for which the budget is submitted, are less than the estimated expenditures for that year. The President shall make recommendations required by the public interest when the estimated receipts and estimated amounts in the Treasury are more than the estimated expenditures.

(d) When the President submits a budget or supporting information about a budget, the President shall include a statement on all changes about the current fiscal year that were made before the budget or information was submitted.

(e)(1) The President shall submit with materials related to each budget transmitted under subsection (a) on or after January 1, 1985, an analysis for the ensuing fiscal year that shall identify requested appropriations or new obligational authority and outlays for each major program that may be classified as a public civilian capital investment program and for each major program that may be classified as a military capital investment program, and shall contain summaries of the total amount of such appropriations or new obligational authority and outlays for public civilian capital investment programs and summaries of the total amount of such appropriations or new obligational authority and outlays for military capital investment programs. In addition, the analysis under this paragraph shall contain—

(A) an estimate of the current service levels of public civilian capital investment and of military capital investment and alternative high and low levels of such investments over a period of ten years in current dollars and over a period of five years in constant dollars;

(B) the most recent assessment analysis and summary, in a standard format, of public civilian capital investment needs in each major program area over a period of ten years;

(C) an identification and analysis of the principal policy issues that effect estimated public civilian capital investment needs for each major program; and

(D) an identification and analysis of factors that affect estimated public civilian capital investment needs for each major program, including but not limited to the following factors:

(i) economic assumptions;

(ii) engineering standards;

(iii) estimates of spending for operation and maintenance;

(iv) estimates of expenditures for similar investments by State and local governments; and

(v) estimates of demand of public services derived from such capital investments and estimates of the service capacity of such investments. To the extent that any analysis required by this paragraph relates to any program for which Federal financial assistance is distributed under a formula prescribed by law, such analysis shall be organized by State and within each State by major metropolitan area if data are available.

(2) For purposes of this subsection, any appropriation, new obligational authority, or outlay shall be classified as a public civilian capital investment to the extent that such appropriation, authority, or outlay will be used for the construction, acquisition, or rehabilitation of any physical asset that is capable of being used to produce services or other benefits for a number of years and is not classified as a military capital investment under paragraph (3). Such assets shall include (but not be limited to)—

(A) roadways or bridges,

(B) airports or airway facilities,

(C) mass transportation systems,

(D) wastewater treatment or related facilities,

(E) water resources projects,

(F) hospitals,

(G) resource recovery facilities,

(H) public buildings,

(I) space or communications facilities,

(J) railroads, and

(K) federally assisted housing.

(3) For purposes of this subsection, any appropriation, new obligational authority, or outlay shall be classified as a military capital investment to the extent that such appropriation authority, or outlay will be used for the construction, acquisition, or rehabilitation of any physcial asset that is capable of being used to produce services or other benefits for purposes or national defense and security for a number of years. Such assets shall include military bases, posts, installations, and facilities.

(4) Criteria and guidelines for use in the identification of public civilian and military capital investments, for distinguishing between public civilian and military capitial investments, and for distinguishing between major and nonmajor capital investment programs shall be issued by the Director of the Office of Management and Budget after consultation with the Comptroller General and the Congressional Budget Office. The analysis under the subsection shall be accompanied by an explanation of such criteria and guidelines.

(5) For purposes of this subsection—

(A) the term "construction" includes the design, planning, and erection of new structures and facilities, the expansion of existing structures and facilities, the reconstruction of a project at an existing site or adjacent to an existing site, and the installation of initial and replacement equipment for such structures and facilities;

(B) the term "acquisition" includes the addition of land, sites, equipment, structures, facilities, or rolling stock by purchase, lease-purchase, trade, or donation; and

(C) the term "rehabilitation" includes the alteration of or correction of deficiencies in an existing structure or facility so as to extend the useful life or improve the effectiveness of the structure or facility, replacement of equipment at an existing structure or facility, the modernization or and the modernization of, or replacement of parts for, rolling stock.

(f)(1) The budget transmitted pursuant to subsection (a) fiscal year shall be prepared on the basis of the best estimates then available, in such a manner as to ensure that the deficit for such fiscal year shall not exceed the maximum deficit amount for such fiscal year as determined under paragraph (7) of section 3 of the Congressional Budget and Impoundment Control Act of 1974 [2 U.S.C. 622(7)].

(2) The deficit set forth in the budget so transmitted for any fiscal year shall not exceed the maximum deficit amount for such fiscal year as determined under paragraph (7) of section 3 of the Congressional Budget and Impoundment Control Act of 1974 [2 U.S.C. 622(7)], with budget outlays and Federal revenues at such levels as the President may consider most desirable and feasible.

(3) The budget transmitted pursuant to subsection (a) for a fiscal year shall include a budget baseline estimate made in accordance with section 251(a)(6) of the Balanced Budget and Emergency Deficit Control Act of 1985 and using economic and technical assumptions consistent with the current services budget submitted under section 1109 for the fiscal year. If such budget baseline estimate differs from the estimate in the current services budget, the President shall explain the differences. The budget transmitted pursuant to subsection (a) for such fiscal year shall include the information required by section 251(a)(2) of such Act (other than account-level detail) assuming that the deficit in such budget baseline were the amount estimated by the Director of the Office of Management and Budget on August 25 of the calendar year in which the fiscal year begins.

(4) Paragraphs (1) and (2) shall not apply with respect to fiscal year 1989 if the budget transmitted for such fiscal year provides for deficit reduction from a budget baseline deficit for such fiscal year (as defined by section 251(a)(6) of the Balanced Budget and Emergency Deficit Control Act of 1985 and based on laws in effect on January 1, 1988) equal to or greater than $36,000,000,000.

(5) Paragraphs (1) and (2) shall not apply if a declaration of war by the Congress is in effect. (Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 908; Pub. L. 97-452, § i(2), Jan. 12, 1983, 96 Stat. 2467; Pub. L. 98-501, Title II, § 203, Oct. 19, 1984, 98 Stat. 2324; Pub. L. 99-177, Title II, § 241, Dec. 12, 1985, 99 Stat. 1063; Pub. L. 100-119, Title I, § 106(f), Sept. 29, 1987, 101 Stat. 781.)

484.1 § 1106. Supplemental budget estimates and changes.

(a) Before July 16 of each year, the President shall submit to Congress a supplemental summary of the budget for the fiscal year for which the budget is submitted under section 1105(a) of this title. The summary shall include—

(1) for that fiscal year—

(A) substantial changes in or reappraisals of estimates of expenditures and receipts;

(B) substantial obligations imposed on the budget after its submission;

(C) current information on matters referred to in section 1105(a) (8) and (9) (B) and (C) of this title; and

(D) additional information the President decides is advisable to provide Congress with complete and current information about the budget and current estimates of the functions, obligations, requirements, and financial condition of the United States Government.

(2) for the 4 fiscal years following the fiscal year for which the budget is submitted, information on estimated expenditures for programs authorized to continue in future years, or that are considered mandatory, under law; and

(3) for future fiscal years, information on estimated expenditures of balances carried over from the fiscal year for which the budget is submitted.

(b) Before July 16 of each year, the President shall submit to Congress a statement of changes in budget authority requested, estimated budget outlays, and estimated receipts for the fiscal year for which the budget is submitted (including prior changes proposed for the executive branch of the Government) that the President decides are necessary and appropriate based on current information. The statement shall include the effect of those changes on the information submitted under section 1105(a)(1)-(14) and (b) of this title and shall include supporting information as practicable. The statement submitted before July 16 may be included in the information submitted under subsection (a)(1) of this section.

(c) Subsection (f) of section 1105 shall apply to revisions and supplemental summaries submitted under this section to the same extent that such subsection applies to the budget submitted under section 1105(a) to which such revisions and summaries relate. (Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 911; Pub. L. 99-77 Title II, § 242, Dec. 12, 1985, Stat. 1063.)

§ 1107. Deficiency and supplemental appropriations. 485

The President may submit to Congress proposed deficiency and supplemental appropriations the President decides are necessary because of laws enacted after the submission of the budget or that are in the public interest. The President shall include the reasons for the submission of the proposed appropriations and the reasons the proposed appropriations were not included in the budget. When the total proposed appropriations would have required the President to make a recommendation under section 1105(c) of this title if they had been included in the budget, the President shall make a recommendation under that section. (Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 911.)

§ 1108. Preparation and submission of appropriations requests to the President. 485.1

(a) In this section (except subsections (b)(1) and (e)), "agency" means a department, agency, or instrumentality of the United States Government.

(b)(1) The head of each agency shall prepare and submit to the President each appropriation request for the agency. The request shall be prepared and submitted in the form prescribed by the President under this chapter and by the date established by the President. When the head of an agency does not submit a request by that date, the President shall prepare the request for the agency to be included in the budget or changes in the budget or as deficiency and supplemental appropriations. The President may change agency appropriation requests. Agency appropriation requests shall be developed from cost-based budgets in the way and at times prescribed by the President. The head of the agency shall use the cost-based budget to administer the agency and to divide appropriations or amounts.

(2) An officer or employee of an agency in the executive branch may submit to the President or Congress a request for legislation authorizing deficiency or supplemental appropriations for the agency only with the approval of the head of the agency.

(c) The head of an agency shall include with an appropriation request submitted to the President a report that the statement of obligations submitted with the request contains obligations consistent with section 1501 of this title. The head of the agency shall support the report with a certification of the consistency and shall support the certification with records showing that the amounts have been obligated. The head of the agency shall designate officials to make the certifications, and those officials may not delegate the duty to make the certifications. The certifications and records shall be kept in the agency—

(1) in a form that makes audits and reconciliations easy; and

(2) for a period necessary to carry out audits and reconciliations.

(d) To the extent practicable, the head of an agency shall—

(1) provide information supporting the agency's budget request for its missions by function and subfunction (including the mission of each organizational unit of the agency); and

(2) relate the agency's programs to its missions.

(e) Except as provided in subsection (f) of this section, an officer or employee of an agency (as defined in section 1101 of this title) may submit to Congress or a committee of Congress an appropriations estimate or request, a request for an increase in that estimate or request, or a recommendation on meeting the financial needs of the Government only when requested by either House of Congress.

(f) The Interstate Commerce Commission shall submit to Congress copies of budget estimates, requests, and information (including personnel needs), legislative recommendations, prepared testimony for congressional hearings, and comments on legislation at the same time they are sent to the President or the Office of Management and Budget. An officer of an agency may not impose conditions on or impair communication by the Commission with Congress, or a committee or member of Congress, about the information.

(g) Amounts available under law are available for field examinations of appropriation estimates. The use of the amounts is subject only to regulations prescribed by the appropriate standing committees of Congress. (Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 912.)

486 § 1109. Current programs and activities estimates.

(a) On or before the first Monday after January 3 of each year (on or before February 5 in 1986), the President shall submit to both Houses of Congress the estimated budget outlays and proposed budget authority that would be included in the budget for the following fiscal year if programs and activities of the United States Government were carried on during that year at the same level as the current fiscal year without a change in policy. The President shall state the estimated budget outlays and proposed budget authority by function and subfunction under the classifications in the budget summary table under the heading "Budget Authority and Outlays by Function and Agency", by major programs in each function, and by agency. The President also shall include a statement of the economic and program assumptions on which those budget outlays and budget authority are based, including inflation, real economic growth, and unemployment rates, program caseloads, and pay increases.

(b) The Joint Economic Committee shall review the estimated budget outlays and proposed budget authority and submit an economic evaluation of the budget outlays and budget authority to the Committees on the Budget of both Houses before March 1 of each year. (Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 913; Pub. L. 99-177, Title II, § 222, Dec. 12, 1985, 99 Stat. 1060.)

§ 1110. Year-ahead requests for authorizing legislation. 486.1

A request to enact legislation authorizing new budget authority to continue a program or activity for a fiscal year shall be submitted to Congress before May 16 of the year before the year in which the fiscal year begins. If a new program or activity will continue for more than one year, the request must be submitted for at least the first and second fiscal years. (Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 913.)

§ 1111. Improving economy and efficiency. 487

To improve economy and efficiency in the United States Government, the President shall—

(1) make a study of each agency to decide, and may send Congress recommendations, on changes that should be made in—

(A) the organization, activities, and business methods of agencies;

(B) agency appropriations;

(C) the assignment of particular activities to particular services; and

(D) regrouping of services; and

(2) evaluate and develop improved plans for the organization, coordination, and management of the executive branch of the Government. (Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 913.)

§ 1112. Fiscal, budget, and program information. 487.1

(a) In this section, "agency" means a department, agency, or instrumentality of the United States Government except a mixed/ownership Government corporation.

(b) In cooperation with the Comptroller General, the Secretary of the Treasury and the Director of the Office of Managment and Budget shall establish and maintain standard data processing and information systems for fiscal, budget, and program information for use by agencies to meet the needs of the Government, and to the extent practicable, of State and local governments.

(c) The Comptroller General—

(1) in cooperation with the Secretary, the Director of the Office of Management and Budget, and the Director of the Congressional Budget Office, shall establish, maintain, and publish standard terms and classifications for fiscal, budget, and program information of the Government, including information on fiscal policy, receipts, expenditures, program, projects, activities, and functions;

(2) when advisable, shall report to Congress on those terms and classifications, and recommend legislation necessary to promote the establishment, maintenance, and use of standard terms and classifications by the executive branch of the Government; and

(3) in carrying out this subsection, shall give particular consideration to the needs of the Committees on Appropriations and on the Budget of both Houses of Congress, the Committee on Ways and Means of the House, the Committee on Finance of the Senate, and the Congressional Budget Office.

(d) Agencies shall use the standard terms and classifications published under subsection (c)(1) of this section in providing fiscal, budget, and program information to Congress.

(e) In consultation with the President, the head of each executive agency shall take actions necessary to achieve to the extent possible—

(1) consistency in budget and accounting classifications;

(2) synchronization between those classifications and organizational structure; and

(3) information by organizational unit on performance and program costs to support budget justifications.

(f) In cooperation with the Director of the Congresssional Budget Office, the Comptroller General, and appropriate representatives of State and local governments, the Director of the Office of Management and Budget (to the extent practicable) shall provide State and local governments with fiscal, budget, and program information necessary for accurate and timely determination by those governments of the impact on their budget of assistance of the United States Government. (Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 913.)

488 **§ 1113. Congressional information.**

(a)(1) When requested by a committee of Congress having jurisdiction over receipts or appropriations, the President shall provide the committee with assistance and information.

(2) When requested by a committee of Congress, additional information related to the amount of an appropriation originally requested by an Office of Inspector General shall be submitted to the committee.

(b) When requested by a committee of Congress, by the Comptroller General, or by the Director of the Congressional Budget Office, the Secretary of the Treasury, the Director of the Office of Management and Budget, and the head of each executive agency shall—

(1) provide information on the location and kind of available fiscal, budget, and program information;

(2) to the extent practicable, prepare summary tables of that fiscal, budget, and program information and related information the committee, the Comptroller General, or the Director of the Congressional Budget Office considers necessary; and

(3) provide a program evaluation carried out or commissioned by an executive agency.

(c) In cooperation with the Director of the Congressional Budget Office, the Secretary, and the Director of the Office of Management and Budget, and Comptroller General shall—

(1) establish and maintain a current directory of sources of, and information systems for, fiscal, budget, and program information and a brief description of the contents of each source and system;

(2) when requested, provide assistance to committees of Congress and members of Congress in obtaining information from the sources in the directory; and

(3) when requested, provide assistance to committees and, to the extent practicable, to members of Congress in evaluating the information obtained from the sources in the directory.

(d) To the extent they consider necessary, the Comptroller General and the Director of the Congressional Budget Office individually or jointly shall establish and maintain a file of information to meet recurring needs of Congress for fiscal, budget, and program information to carry out this section and sections 717 and 1112 of this title. The file shall include information on budget requests, congressional authorizations to obligate and expend, apportionment and reserve actions, and obligations and expenditures. The Comptroller General and the Director shall maintain the file and an index to the file so that it is easier for the committees and agencies of Congress to use the file and index through data processing and communications techniques.

(e)(1) The Comptroller General shall—

(A) carry out a continuing program to identify the needs of committees and members of Congress for fiscal, budget, and program information to carry out this section and section 1112 of this title;

(B) assist committees of Congress in developing their information needs;

(C) monitor recurring reporting requirements of Congress and committees; and

(D) make recommendations to Congress and committees for changes and improvements in those reporting requirements to meet information needs identified by the Comptroller General, to improve their usefulness to congressional users, and to eliminate unnecessary reporting.

(2) Before September 2 of each year, the Comptroller General shall report to Congress on—

(A) the needs identified under paragraph (1)(A) of this subsection;

(B) the relationship of those needs to existing reporting requirements;

(C) the extent to which reporting by the executive branch of the United States Government currently meets the identified needs;

(D) the changes to standard classifications necessary to meet congressional needs;

(E) activities, progress, and results of the program of the Comptroller General under paragraph (1)(B)–(D) of this subsection; and

(F) progress of the executive branch in the prior year.

(3) Before March 2 of each year, the Director of the Office of Management and Budget and the Secretary shall report to Congress on plans for meeting the needs identified under paragraph (1)(A) of this subsection, including—

(A) plans for carrying out changes to classifications to meet information needs of Congress;

(B) the status of information systems in the prior year; and

(C) the use of standard classifications. (Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 914; Pub. L. 97-452, § 1(3), Jan. 12, 1983, 96 Stat. 2467.)

489 § 1114. Budget information on consulting services.

(a) The head of each agency shall include the budget justification for the agency submitted each year to the Committees on Appropriations of both Houses of Congress—

(1) amounts requested for consulting services;

(2) the appropriation accounts from which the amounts are to be paid; and

(3) a description of the need for the consulting services, including a list of the major programs requiring those services.

(b) The Inspector General or comparable official of each agency shall submit to Congress each year, with the budget justification for the agency, an evaluation of the progress of the agency in establishing effective management controls and improving the accuracy and completeness of the information provided to the Federal Procurement Data System on contracts for consulting services. If the agency does not have an Inspector General or comparable official, the head of the agency or officer or employee designated by the head of the agency shall submit the evaluation. (Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 916.)

TITLE 39.—POSTAL SERVICE

Part IV.—MAIL MATTER

Chapter 32.—PENALTY AND FRANKED MAIL[1]

§ 3201. Definitions. 490

As used in this chapter—

(1) "penalty mail" means official mail, other than franked mail, which is authorized by law to be transmitted in the mail without prepayment of postage;

(2) "penalty cover" means envelopes, wrappers, labels, or cards used to transmit penalty mail;

(3) "frank" means the autographic or facsimile signature of persons authorized by sections 3210–3216 and 3218 of this title to transmit matter through the mail without prepayment of postage or other indicia contemplated by sections 733 and 907 of title 44;

(4) "franked mail" means mail which is transmitted in the mail under a frank;

(5) "Members of Congress" includes Senators, Representatives, Delegates, and Resident Commissioners; and

(6) "missing child" has the meaning provided by section 403(1) of the Juvenile Justice and Delinquency Prevention Act of 1974. (Aug. 12, 1970, Pub. L. 91–375, § 2, 84 Stat. 751; Aug. 9, 1985, Pub. L. 99–87, § 1(b), 99 Stat. 291.)

§ 3210. Franked mail transmitted by the Vice President, Members of Congress, and congressional officials. 491

(a)(1) It is the policy of the Congress that the privilege of sending mail as franked mail shall be established under this section in order to assist and expedite the conduct of the official business, activities, and duties of the Congress of the United States.

(2) It is the intent of the Congress that such official business, activities, and duties cover all matters which directly or indirectly pertain to the legislative process or to any congressional representative functions generally, or to the functioning, working, or operating of the Congress and the performance of official duties in connection therewith, and shall include, but not be limited to, the conveying of information to the public, and the requesting of the views of the public, or the views and information of other authority of government, as a guide or a means of assistance in the performance of those functions.

(3) It is the intent of the Congress that mail matter which is frankable specifically includes, but is not limited to—

(A) mail matter to any person and to all agencies and officials of Federal, State, and local governments regarding programs, decisions, and other related matters of public concern or public service, including any matter relating to actions of a past or current Congress;

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[1] For United States Postal Service regulation on congressional franking privilege, see Senate Manual section **497.** See also the Regulations Governing the Use of the Mailing Frank by Members and Officers of the United States Senate, issued by the Select Committee on Ethics.

(B) the usual and customary congressional newsletter or press release which may deal with such matters as the impact of laws and decisions on State and local governments and individual citizens; reports on public and official actions taken by Members of Congress; and discussions of proposed or pending legislation or governmental actions and the positions of the Members of Congress on, and arguments for or against, such matters;

(C) the usual and customary congressional questionnaire seeking public opinion on any law, pending or proposed legislation, public issue, or subject;

(D) mail matter dispatched by a Member of Congress between his Washington office and any congressional district offices, or between his district offices;

(E) mail matter directed by one Member of Congress to another Member of Congress or to representatives of the legislative bodies of State and local governments;

(F) mail matter expressing congratulations to a person who has achieved some public distinction;

(G) mail matter, including general mass mailings, which consist of Federal laws, Federal regulations, other Federal publications, publications purchased with Federal funds, or publications containing items of general information;

(H) mail matter which consists of voter registration or election information or assistance prepared and mailed in a nonpartisan manner;

(I) mail matter which constitutes or includes a biography or autobiography of any Member of, or Member-elect to, Congress or any biographical or autobiographical material concerning such Member or Member-elect or the spouse or other members of the family of such Member or Member-elect, and which is so mailed as a part of a Federal publication or in response to a specific request therefor and is not included for publicity purposes in a newsletter or other general mass mailing of the Member or Member-elect under the franking privilege; or

(J) mail matter which contains a picture, sketch, or other likeness of any Member or Member-elect and which is so mailed as a part of a Federal publication or in response to a specific request therefor and, when contained in a newsletter or other general mass mailing of any Member or Member-elect, is not of such size, or does not occur with such frequency in the mail matter concerned, as to lead to the conclusion that the purpose of such picture, sketch, or likeness is to advertise the Member or Member-elect rather than to illustrate accompanying text.

(4) It is the intent of the Congress that the franking privilege under this section shall not permit, and may not be used for, the transmission through the mails as franked mail, of matter which in its nature is purely personal to the sender or to any other person and is unrelated to the official business, activities, and duties of the public officials covered by subsection (b)(1) of this section.

(5) It is the intent of the Congress that a Member of or Member-elect to Congress may not mail as franked mail—

(A) mail matter which constitutes or includes any article, account, sketch, narration, or other text laudatory and complimentary of any Member of, or Member-elect to, Congress on a purely personal or political basis rather than on the basis of performance of official duties as a Member or on the basis of activities as a Member-elect;

(B) mail matter which constitutes or includes—

(i) greetings from the spouse or other members of the family of such Member or Member-elect, unless it is a brief reference in otherwise frankable mail;

(ii) reports of how or when such Member or Member-elect, or the spouse or any other member of the family of such Member or Member-elect, spends time other than in the performance of, or in connection with, the legislative, representative, and other official functions of such Member or the activities of such Member-elect as a Member-elect; or

(iii) any card expressing holiday greetings from such Member or Member-elect; or

(C) mail matter which specifically solicits political support for the sender or any other person or any political party, or a vote or financial assistance for any candidate for any public office.

(6)(A) It is the intent of Congress that a Member of, or Member-elect to, Congress may not mail any mass mailing as franked mail—

(i) if the mass mailing is mailed fewer than 60 days immediately before the date of any primary election or general election (whether regular, special, or runoff) in which the Member is a candidate for reelection; or

(ii) in the case of a Member of, or Member-elect to, the House who is a candidate for any other public office, if the mass mailing—

(I) is prepared for delivery within any portion of the jurisdiction of or the area covered by the public office which is outside the area constituting the congressional district from which the Member or Member-elect was elected; or

(II) is mailed fewer than 60 days immediately before the date of any primary election or general election (whether regular, special, or runoff) in which the Member or Member-elect is a candidate for any other public office.

(B) Any mass mailing which is mailed by the chairman of any organization referred to in the last sentence of section 3215 of this title which relates to the normal and regular business of the organization may be mailed without regard to the provisions of this paragraph.

(C) No Member of the Senate may mail any mass mailing as franked mail if such mass mailing is mailed fewer than 60 days immediately before the date of any primary election or general election (whether regular, special, or runoff) for any national, State or local office in which such Member is a candidate for election.

(D) The Select Committee on Ethics of the Senate and the House Commission on Congressional Mailing Standards shall prescribe for their respective Houses rules and regulations, and shall take other action as the Committee or the Commission considers necessary and proper for Members and Members-elect to comply with the provisions of this paragraph and applicable rules and regulations. The rules and regulations shall include provisions prescribing the time within which mailings shall be mailed at or delivered to any postal facility and the time when the mailings shall be deemed to have been mailed or delivered to comply with the provisions of this paragraph.

(E) For purposes of this section, the term "mass mailing" means newsletters and similar mailings of more than five hundred pieces in which the content of the matter mailed is substantially identical but shall not apply to mailings—

(i) which are in direct response to communications from persons to whom the matter is mailed;

(ii) to colleagues in the Congress or to government officials (whether Federal, State, or local); or

(iii) of news releases to the communications media.

(b)(1) The Vice President, each Member of or Member-elect to Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, each of the elected officers of the House of Representatives (other than a Member of the House), the Legislative Counsels of the House of Representatives and the Senate, the Law Revision Counsel of the House of Representatives, and the Senate Legal Counsel may send, as franked mail, matter relating to their official business, activities, and duties, as intended by Congress to be mailable as franked mail under subsection (a) (2) and (3) of this section.

(2) If a vacancy occurs in the Office of the Secretary of the Senate, the Sergeant at Arms of the Senate, an elected officer of the House of Representatives (other than a Member of the House), the Legislative Counsel of the House of Representatives or the Senate, the Law Revision Counsel of the House of Representatives, or the Senate Legal Counsel any authorized person may exercise the franking privilege in the officer's name during the period of the vacancy.

(3) The Vice President, each Member of Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, and each of the elected officers of the House (other than a Member of the House), during the 90-day period immediately following the date on which they leave office, may send, as franked mail, matter on official business relating to the closing of their respective offices. The House Commission on Congressional Mailing Standards and the Select Committee on Standards and Conduct of the Senate[1] shall prescribe for their respective Houses such rules and regulations, and shall take such other action as the Commission or Committee considers necessary and proper, to carry out the provisions of this paragraph.

(c) Franked mail may be in any form appropriate for mail matter, including, but not limited to, correspondence, newsletters, questionnaires, recordings, facsimilies, reprints, and reproductions. Franked mail shall not include matter which is intended by Congress to be nonmailable as franked mail under subsection (a) (4) and (5) of this section.

(d)(1) A Member of the Congress may mail franked mail with a simplified form of address for delivery—

(A) within that area constituting the congressional district or State from which he was elected: and

(B) with respect to a Member of the House of Representatives, on and after the date on which the proposed redistricting of congressional districts in his State by legislative or judicial proceedings is initially completed (whether or not the redistricting is actually in effect), within any additional area of each congressional district proposed or established in such redistricting and containing all or part of the area constituting the congressional district from which he was elected, unless and until the congressional district so proposed or established is changed by legislative or judicial proceedings.

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[1] Name changed to the Select Committee on Ethics by S. Res. 4, 95–1, Feb. 4, 1977.

(2) A Member-elect to the Congress may mail franked mail with a simplified form of address for delivery within that area constituting the congressional district or State from which he was elected.

(3) A Delegate, Delegate-elect, Resident Commissioner, or Resident Commissioner-elect to the House of Representatives may mail franked mail with a simplified form of address for delivery within the area from which he was elected.

(4) Any franked mail which is mailed under this subsection shall be mailed at the equivalent rate of postage which assures that the mail will be sent by the most economical means practicable.

(5) The Senate Committee on Rules and Administration and the House Commission on Congressional Mailing Standards shall prescribe for their respective Houses rules and regulations governing any franked mail which is mailed under this subsection and shall by regulation limit the number of such mailings allowed under this subsection.

(6)(A) Any Member of, or Member-elect to, the House of Representatives entitled to make any mailing as franked mail under this subsection shall, before making any mailing, submit a sample or description of the mail matter involved to the House Commission on Congressional Mailing Standards for an advisory opinion as to whether the proposed mailing is in compliance with the provisions of this subsection.

(B) The Senate Select Committee on Ethics may require any Member of, or Member-elect to, the Senate entitled to make any mailings as franked mail under this subsection to submit a sample or description of the mail matter to the Committee for an advisory opinion as to whether the proposed mailing is in compliance with the provisions of this subsection.

(7) Franked mail mailed with a simplified form of address under this subsection—

(A) shall be prepared as directed by the Postal Service; and

(B) may be delivered to—

(i) each box holder or family on a rural or star route;

(ii) each post office box holder; and

(iii) each stop or box on a city carrier route.

(8) For the purposes of this subsection, a congressional district includes, in the case of a Representative at Large or Representative at Large-elect, the State from which he was elected.

(e) The frankability of mail matter shall be determined under the provisions of this section by the type and content of the mail sent, or to be sent.

(f) Any mass mailing which otherwise would be permitted to be mailed as franked mail under this section shall not be so mailed unless the cost of preparing and printing the mail matter is paid exclusively from funds appropriated by Congress, except that an otherwise frankable mass mailing may contain, as an enclosure or supplement, any public service material which is purely instructional or informational in nature, and which in content is frankable under this section.

(g) Notwithstanding any other provision of Federal, State, or local law, or any regulation thereunder, the equivalent amount of postage determined under section 3216 of this title on franked mail mailed under the frank of the Vice President or a Member of Congress, and the cost of preparing or printing such frankable matter for such mailing under the frank, shall not be considered as a contribution to, or an expenditure by, the Vice President or a Member of Congress for the purpose of determining any limitation on expenditures or contributions with respect to any such official, imposed by any Federal, State, or local law or regulation, in connection with any campaign of such official for election to any Federal office. (Aug. 12, 1970, Pub. L. 91-375, § 2, 84 Stat. 754; July 9, 1971, Pub. L. 92-51, § 101, 85 Stat. 132; Dec. 18, 1973, Pub. L. 93-191, § 1(a), 87 Stat. 737; Dec. 23, 1975, Pub. L. 94-177, § 1(b), 89 Stat. 1032; Oct. 26, 1978, Pub. L. 95-521, § 714(a), 92 Stat. 1884; Oct. 26, 1981, Pub. L. 97-69, §§ 1, 2, 3, 4, 95 Stat. 1041-1043; Sept. 24, 1982, Pub. L. 97-263, § 1, 96 Stat. 1132.)

492 § 3211. Public documents.

The Vice President, Members of Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, each of the elected officers of the House of Representatives (other than a Member of the House) during the 90-day period immediately following the expiration of their respective terms of office, may send and receive as franked mail all public documents printed by order of Congress. (Aug. 12, 1970, Pub. L. 91-375, § 2, 84 Stat. 754; Dec. 18, 1973, Pub. L. 93-191, § 2, 87 Stat. 741; Oct. 26, 1981, Pub. L. 97-69, § 5(a), 95 Stat. 1043.)

493 § 3212. Congressional Record under frank of Members of Congress.

(a) Members of Congress may send the Congressional Record as franked mail.

(b) Members of Congress may send, as franked mail, any part, of, or a reprint of any part of, the Congressional Record, including speeches or reports contained therein, if such matter is mailable as franked mail under section 3210 of this title. (Aug. 12, 1970, Pub. L. 91-375, § 2, 84 Stat. 754; Dec. 18, 1973, Pub. L. 93-191, § 3, 87 Stat. 741.)

CROSS REFERENCE

For extracts from Congressional Record furnished Members of Congress and the Resident Commissioner in envelopes ready for mailing, see section 907 of title 44, United States Code (Senate Manual section 657).

494 § 3213. Seeds and reports from Department of Agriculture.

Seeds and agricultural reports emanating from the Department of Agriculture may be mailed—

(1) as penalty mail by the Secretary of Agriculture; and

(2) during the 90-day period immediately following the expiration of their terms of office, as franked mail by Members of Congress. (Aug. 12, 1970, Pub. L. 91-375, § 2, 84 Stat. 754; Oct. 26, 1981, Pub. L. 97-69, § 5(b), 95 Stat. 1043.)

495 § 3215. Lending or permitting use of frank unlawful.

A person entitled to use a frank may not lend it or permit its use by any committee, organization, or association, or permit its use by any person for the benefit or use of any committee, organization, or association. This section does not apply to any standing, select, special, or joint committee, or subcommittee thereof, or commission, of the Senate, House of Representatives, or Congress, composed of Members of Congress, or to the Democratic caucus or the Republican conference of the House of Representatives or of the Senate. (Aug. 12, 1970, Pub. L. 91-375, § 2, 84 Stat. 754; Dec. 18, 1973, Pub. L. 93-191, § 10, 87 Stat. 746.)

§ 3216. Reimbursement for franked mailings.[1] 496

(a) The equivalent of—

(1) postage on, and fees and charges in connection with, mail matter sent through the mails—

(A) under the franking privilege (other than under section 3219 of this title), by the Vice President, Members of and Members-elect to Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, each of the elected officers of the House of Representatives (other than a Member of the House), the Legislative Counsels of the House of Representatives and the Senate, the Law Revision Counsel of the House of Representatives, and the Senate Legal Counsel; and

(B) by the survivors of a Member of Congress under section 3218 of this title; and

(2) those portions of fees and charges to be paid for handling and delivery by the Postal Service of Mailgrams considered as franked mail under section 3219 of this title;

shall be paid by a lump-sum appropriation to the legislative branch for that purpose and then paid to the Postal Service as postal revenue. Except as to Mailgrams and except as provided by sections 733 and 907 of title 44, envelopes, wrappers, cards, or labels used to transmit franked mail shall bear, in the upper right-hand corner, the sender's signature, or a facsimile thereof.

(b) Postage on, and fees and charges in connection with, mail matter sent through the mails under section 3214 of this title shall be paid each fiscal year, out of any appropriation made for that purpose, to the Postal Service as postal revenue in an amount equivalent to the postage, fees, and charges which would otherwise be payable on, or in connection with, such mail matter.

(c) Payment under subsection (a) or (b) of this section shall be deemed payment for all matter mailed under the frank and for all fees and charges due the Postal Service in connection therewith.

(d) Money collected for matter improperly mailed under the franking privilege shall be deposited as miscellaneous receipts in the general fund of the Treasury. (Aug. 12, 1970, Pub. L. 91-375, § 2, 84 Stat. 754; July 9, 1971, Pub. L. 92-51, § 101, 85 Stat. 132; Dec. 18, 1973, Pub. L. 93-191, § 7, 87 Stat. 745; Mar. 27, 1974, Pub. L. 93-255, § 2(a), 88 Stat. 52; Oct. 26, 1978, Pub. L. 95-521, § 714(b), 92 Stat. 1884; Oct. 26, 1981, Pub. L. 97-69, § 6(a), 95 Stat. 1043; Sept. 24, 1982, Pub. L. 97-263, § 1, 96 Stat. 1132.)

§ 3218. Franked mail for survivors of Members of Congress. 496.1

Upon the death of a Member of Congress during his term of office, the surviving spouse of such Member (or, if there is no surviving spouse, a member of the immediate family of the Member designated by the Secretary of the Senate or the Clerk of the House of Representatives, as appropriate, in accordance with rules and procedures established by the Secretary or the Clerk) may send, for a period not to exceed 180 days after his death, as franked mail, nonpolitical correspondence relating to the death of the Member. (Aug. 12, 1970, Pub. L. 91-375, § 2, 84 Stat. 755; Dec. 18, 1973, Pub. L. 93-191, § 11, 87 Stat. 746; Oct. 26, 1981, Pub. L. 97-69, § 6 (b) and (c), 95 Stat. 1043.)

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[1] The Senate has in the past limited its expenditures for franked mail costs by imposing allocations on its Members and Officers. (S. Res. 374, 99-2, May 14, 1986; S. Res. 500, 99-2, Oct. 8, 1986; S. Res. 257, 100-1, pending.)

496.2 § 3219. Mailgrams.

Any Mailgram sent by the Vice President, a Member of or Member-elect to Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, an elected officer of the House of Representatives (other than a Member of the House), the Legislative Counsel of the House of Representatives or the Senate, the Law Revision Counsel of the House of Representatives, or the Senate Legal Counsel, and then delivered by the Postal Service, shall be considered as franked mail, subject to section 3216(a)(2) of this title, if such Mailgram contains matter of the kind authorized to be sent by that official as franked mail under section 3210 of this title. (Added Dec. 18, 1973, Pub. L. 93-191, § 12, 87 Stat. 746; Oct. 26, 1978, Pub. L. 95-521, § 714(c), 92 Stat. 1884; Sept. 24, 1982, Pub. L. 97-263, § 1, 96 Stat. 1132.)

496.3 § 3220. Use of official mail in the location and recovery of missing children.

(a)(1) The Office of Juvenile Justice and Delinquency Prevention, after consultation with appropriate public and private agencies, shall prescribe general guidelines under which penalty mail may be used to assist in the location and recovery of missing children. The guidelines shall provide information relating to—

(A) the form and manner in which materials and information relating to missing children (such as biographical data and pictures, sketches, or other likenesses) may be included in penalty mail;

(B) appropriate sources from which such materials and information may be obtained;

(C) the procedures by which such materials and information may be obtained; and

(D) any other matter which the Office considers appropriate.

(2) Each executive department and independent establishment of the Government of the United States shall prescribe regulations under which penalty mail sent by such department or establishment may be used in conformance with the guidelines prescribed under paragraph (1).

(b) The Senate Committee on Rules and Administration and the House Commission on Congressional Mailing Standards shall prescribe for their respective Houses rules and regulations, and shall take such other action as the Committee or Commission considers necessary and proper, in order that purposes similar to those of subsection (a) may, in the discretion of the congressional official or office concerned, be carried out by the use of franked mail sent by such official or office.

(c) As used in this section, "Office of Juvenile Justice and Delinquency Prevention" and "Office" each means the Office of Juvenile Justice and Delinquency Prevention within the Department of Justice, as established by section 201 of the Juvenile Justice and Delinquency Prevention Act of 1974. (Aug. 9, 1985, Pub. L. 99-87, § 1(a)(1), 99 Stat. 290.)

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Domestic Mail Manual Provisions Relating to the Congressional Franking Privilege

Part 137—Official Mail

137.1 Members of Congress

.11 Collection of Postage, Fees and Charges

Postage, fees, and charges, on mail sent under the franking privilege by the Vice President, Members and Members-elect of Congress, Delegates or Delegates-elect, the Resident Commissioner or Resident Commissioner-elect from Puerto Rico, the Secretary of the Senate, Sergeant at Arms of the Senate, each of the elected officers of the House of Representatives (other than a Member of the House), and Legislative Counsel of the House of Representatives, and the Senate, and Senate Legal Counsel are paid quarterly by a lump sum to the Postal Service.

.12 Description

Official mail of Members of Congress is sent without prepayment of postage and bears a written signature, printed facsimile signature or other required marking instead of a postage stamp. The types of mail accepted under frank, and the officials authorized to use franked mail, are shown in exhibit 137.12.

Exhibit 137.12

Persons authorized to use the frank	Matter that may be franked	Marking required	Period during which the frank may be used
Vice President of the United States, Members of Congress, Resident Commissioners, Secretary of the Senate, Sergeant at Arms of the Senate, and each of the elected officers of the House of Representatives (other than Members of the House).	Public documents printed by order of Congress.	The words *Public Document*—and the letters U.S.S. or M.C. must appear on the address side.	During the 90-day period immediately following expiration of their respective terms of office.
Members of Congress and Resident Commissioners.	Congressional Record or any part of it or any reprint of any part of it or speeches or reports contained in it, if relating to official business, activities or duties.	The words *Congressional Record* or *Part of Congressional Record*—and the letters U.S.S. or M.C. must appear on the address side.	During term of office only.
Members of Congress	Seeds and agricultural reports from the Department of Agriculture.	The signature and title, either written or printed facsimile, of the person entitled to frank it, must appear on the address side.	During the 90-day period immediately following the expiration of their terms of office.
Vice President of the United States, Members and Members-elect of Congress, Resident Commissioners, Secretary of the Senate, Sergeant at Arms of the Senate, each of the elected officers of the House of Representatives (other than a Member of the House), Legislative Counsels of the House of Representatives and the Senate the Law Revision Counsel of the House of Representatives, and Senate Legal Counsel.	Official correspondence including mailgrams.	Mailgrams may be sent in standard mailgram envelopes. For other correspondence, the signature and title, either written or printed facsimile, of the person entitled to frank it, must appear on the address side.	During term of office only. When the position of Secretary, Sergeant at Arms, elected officer, or Legislative Counsel is vacant, privileges may be exercised in officer's name by authorized persons.
Vice-President-elect	All mail, sent by him in connection with preparation for the assumption of official duties as Vice President.	The signature and title, either written or printed facsimile, of the Vice-President-elect must appear on the address side.	Until assumption of duties as the Vice President.
Former Vice President, each former Member of Congress, the former Secretary of the Senate, the former Sergeant at Arms of the Senate, each former elected officer of the House (other than a former Member of the House), and each former Delegate or Resident Commissioner.	Matter on official business related to the closing of their respective offices.	The signature and title, either written or printed facsimile, of the person entitled to frank it, must appear on the address side.	During the 90-day period immediately following the date on which he leaves office.
Former Speakers of the House	Public documents, seeds and agricultural reports from the Department of Agriculture, official correspondence including mailgrams.	The signature and title, either written or printed facsimile, of the former Speaker, or appropriate mailgram or public document marking as indicated above, must appear on the address side.	For as long as the former Speaker determines necessary.

.13 Restrictions

The following restrictions apply to franked mail:

(a) Matter transmitted under frank of the Vice President, each Member and Member-elect to Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, each of the elected officers of the House of Representatives (other than a Member of the House), and each Delegate or Delegate-elect, the Resident Commissioner or Resident Commissioner-elect, each Legislative Counsel of the House and Senate, and the Senate Legal Counsel must relate to the official business, activities, and duties of the Congress of the United States.

(b) Matter transmitted under frank of the former Vice President, each former Member of Congress, the former Secretary of the Senate, the former Sergeant at Arms of the Senate, each former elected officer of the House of Representatives (other than a former Member of the House), and each former Delegate or Resident Commissioner must be on official business relating to the closing of his respective office.

(c) A person entitled to use franked mail may not loan his frank or permit its use by any committee, organization, or association; or permit its use by any person for the benefit or use of any committee, organization, or association. This restriction does not apply to any committee composed of Members of Congress.

(d) Franked mail must meet the mailability criteria established in 123 and 124.

(e) Franked mail is entitled to any special services for which it is properly endorsed.

(f) Franked mail is handled as ordinary mail.

(g) Franked mail is forwarded like any other mail, but when once delivered to the addressee it may not be remailed. A package of franked pieces may be sent by a person entitled to the franking privilege to one addressee, who, on receiving and opening the package, may on behalf of such person place addresses on the franked articles and mail them.

(h) Franked mail must be addressed to the recipient by name, except as provided in 122.442.

.14 Weight and Size Limits

Franked mail must conform to the weight, size, and shape requirements for the class of mail being used.

TITLE 40.—PUBLIC BUILDINGS, PROPERTY, AND WORKS

Chapter 2.—CAPITOL BUILDING AND GROUNDS

500 § 161. Title of Superintendent of Capitol Building and Grounds changed to Architect of the Capitol.

The title of "Superintendent of the Capitol Building and Grounds" is changed to "Architect of the Capitol." (Mar. 3, 1921, ch. 124, § 1, 41 Stat. 1291.)

501 § 162. Architect of the Capitol; powers and duties.

The Architect of the Capitol shall perform all the duties relative to the Capitol Building performed prior to August 15, 1876, by the Commissioner of Public Buildings and Grounds, and shall be appointed by the President: *Provided*, That no change in the architectural features of the Capitol Building or in the landscape features of the Capitol Grounds shall be made except on plans to be approved by Congress. (Aug. 15, 1876, ch. 287, § 1, 19 Stat. 147; Feb. 14, 1902, ch. 17, § 1, 32 Stat. 20; Mar. 3, 1921, ch. 124, § 1, 41 Stat. 1291.)

501.1 § 162a. Same; compensation.

The compensation of the Architect of the Capitol shall be at an annual rate which is equal to the annual rate of basic pay payable for positions at level III of the Executive Schedule under section 5314 of Title 5. (Aug. 14, 1964, Pub. L. 88-426, § 203(c), 78 Stat. 415; Dec. 16, 1967, Pub. L. 90-206, § 219, 81 Stat. 639; Salary Recommendations, Budget, 1970, pursuant to Act Dec. 16, 1967, Pub. L. 90-206, § 225(h), 81 Stat. 634; August 9, 1975, Pub. L. 94-82, Title II, § 204(b), 89 Stat. 421; Dec. 14, 1979, Pub. L. 96-146, § 1(1), 93 Stat. 1086.)

501.2 § 162b. Same; semiannual report of expenditures.

(1) Commencing with the semiannual period beginning January 1, 1965, and for each semiannual period thereafter, the Architect of the Capitol shall compile and, not later than sixty days following the close of the semiannual period, submit to the Senate and the House of Representatives a report of all expenditures made from monies appropriated to the Architect of the Capitol, based on payrolls and other vouchers transmitted during such period to the Treasury Department for disbursement, such report to include (1) the name, title, and gross salary payment to each employee; (2) a list of government contributions to retirement, health insurance, and other similar funds; and (3) name of payee, brief description of service rendered or items furnished under contract, purchase order or other agreement. Such report shall be printed as a Senate document.

(2) The report by the Architect of the Capitol under paragraph (1) for the semiannual period beginning on January 1, 1976, shall include the period beginning on July 1, 1976, and ending on September 30, 1976, and such semiannual period shall be treated as closing on September 30,

1976. Thereafter, the report by the Architect of the Capitol under paragraph (1) shall be for the semiannual periods beginning on October 1 and ending on March 31 and beginning on April 1 and ending on September 30 of each year. (As amended Pub. L. 94-303, Title I, § 118(c), June 1, 1976, 90 Stat. 616.)

§ 163. Same; care and superintendence of Capitol. 502

The Architect of the Capitol shall have the care and superintendence of the Capitol, including lighting. His Office shall be in the Capitol Building. (Aug. 15, 1876, ch. 287, § 1, 19 Stat. 147; Mar. 3, 1877, ch. 102, 19 Stat. 298; Oct. 31, 1951, ch. 654, § 3(14), 65 Stat. 708.)

§ 163a. Same; exterior of Capitol. 503

It shall be the duty of the Architect to clean and keep in proper order the exterior of the Capitol. (July 7, 1884, ch. 332, 23 Stat. 209.)

§ 163b. Same; delegation of authority. 504

The Architect of the Capitol is authorized hereafter to delegate to the Assistant Architect and other assistants such authority of the Architect as he may deem proper. (Aug. 5, 1955, ch. 568, 69 Stat. 515.)

§ 164a. Same; Assistant Architect of the Capitol or Executive Assistant to act in case of absence, disability, or vacancy. 505

On and after August 18, 1970, the Assistant Architect of the Capitol shall act as Architect of the Capitol during the absence or disability of that official or whenever there is no Architect, and in case of the absence or disability of the Assistant Architect, the Executive Assistant shall so act. (Aug. 18, 1970, Pub. L. 91-382, § 101, 84 Stat. 817.)

NOTE

Section 101 of the Legislative Branch Appropriation Act, 1971 (2 U.S.C. 164a, above), fixed the compensation of the Executive Assistant at the same rate paid a person occupying a position of grade GS-18 of the General Schedule under section 5332(a) of title 5, United States Code.

§ 166. Same; repairs of Capitol. 506

All improvements, alterations, additions, and repairs of the Capitol Building shall be made by the direction and under the supervision of the Architect of the Capitol. (R.S. § 1816; Feb. 14, 1902, ch. 17, § 1, 32 Stat. 20; Mar. 3, 1921, ch. 124, § 1, 41 Stat. 1291; Oct. 31, 1951, ch. 654, § 3(15), 65 Stat. 708.)

EXTENSION, RECONSTRUCTION, AND REPLACEMENT OF CENTRAL PORTION OF THE UNITED STATES CAPITOL 506.1

Section 101 of Act of August 5, 1955, as amended by the Act of September 29, 1969, Pub. L. 91-77, 83 Stat. 124, provides in part that:

"The Architect of the Capitol is hereby authorized, under the direction of a Commission for Extension of the United States Capitol, to be composed of the President of the Senate, the Speaker of the House of Representatives, the majority leader of the Senate, the majority leader of the House of Representatives, the minority leader of the House of Representatives, and the Architect of the Capitol, to provide for the extension, reconstruction, and replacement of the central portion of the United States Capitol in substantial accordance with scheme B of the architectural plan submitted by a joint commission of Congress and reported to Congress on March 3, 1905 (House Document numbered 385, Fifty-eighth Congress), but with such modifications and additions, including provisions for restaurant facilities, and such other facilities on the Capitol Grounds, together with utilities, equipment, approaches, and other appurtenant or necessary items, as may be approved by said Commission."

CROSS REFERENCE

Changes in architectural features of the Capitol Building or in landscape features of Capitol Grounds, see section 162 of this title (Senate Manual section 501).

NOTE

Section 305 of the Legislative Branch Appropriations Act, 1989, provided that:

"SEC. 305. (a) The Architect of the Capitol, in consultation with the heads of the agencies of the legislative branch, shall develop an overall plan for satisfying the telecommunications requirements of such agencies, using a common system architecture for maximum interconnection capability and engineering compatibility. The plan shall be subject to joint approval by the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate, and, upon approval, shall be communicated to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate. No part of any appropriation in this Act or any other Act shall be used for acquisition of any new or expanded telecommunications system for an agency of the legislative branch, unless, as determined by the Architect of the Capitol, the acquisition is in conformance with the plan, as approved.

"(b) As used in this section—

"(1) the term "agency of the legislative branch" means, the Office of the Architect of the Capitol, the Botanic Garden, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, and the Congressional Budget Office; and

"(2) the term "telecommunications system" means an electronic system for voice, data, or image communication, including any associated cable and switching equipment."

(Pub. L. 100-458, § 305, October 1, 1988, 102 Stat. 2182.)

507 § 166a. Same; travel expenses.

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of $10,000. (December 22, 1987, Pub. L. 100-202, 101 Stat. 1329-301.)

507.1 § 166b. Compensation of Assistant Architect of the Capitol.

The compensation of the Assistant Architect of the Capitol shall be at an annual rate which is equal to the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of Title 5. (Aug. 14, 1964, Pub. L. 88-426, § 203(d), 78 Stat. 415; Dec. 16, 1967, Pub. L. 90-206, § 219, 81 Stat. 639; Salary Recommendations, Budget, 1970, pursuant to Act of Dec. 16, 1967, Pub. L. 90-206, § 225(h), 81 Stat. 634; Aug. 9, 1975, Pub. L. 94-82, Title II, § 204(b), 89 Stat. 421; Dec. 14, 1979, Pub. L. 96-146, § 1(2), 93 Stat. 1086.)

508.1 § 166b-1a. Compensation of employees under Architect of the Capitol; single per annum gross rates of pay.

Whenever the rate of pay of—

(1) an employee of the Office of Architect of the Capitol;

or

(2) an employee of the House Restaurant or of the Senate Restaurant, under the supervision of the Architect of the Capitol as an agent of the House or Senate, respectively, as the case may be,

is fixed or adjusted on or after the effective date of this section, that rate, as so fixed and adjusted, shall be a single per annum gross rate. (Oct. 26, 1970, Pub. L. 91-510, § 481, 84 Stat. 1196.)

§ 166b–1b. Same; conversion by Architect of the Capitol of existing basic pay rates to per annum gross pay rates. 508.2

The Architect of the Capitol shall convert, as of the effective date of this section, to a single per annum gross rate, the rate of pay of each employee described in subparagraph (1) or subparagraph (2) of section 166b–1a of this title, whose pay immediately prior to such effective date was fixed at a basic rate with respect to which additional pay was payable by law. (Oct. 26, 1970, Pub. L. 91-510, § 482, 84 Stat. 1196.)

§ 166b–1c. Same; obsolete references in existing law to basic pay rates. 508.3

In any case in which—

(1) the rate of pay of, or any maximum or minimum rate of pay with respect to—

(A) any employee described in subparagraph (1) or subparagraph (2) of section 166b–1a of this title, or

(B) the position of such employee, or

(C) any class or group of such employees or positions, is referred to in or provided by statute or other authority;

and

(2) the rate so referred to or provided is a basic rate with respect to which additional pay is provided by law;

such statutory provision or authority shall be deemed to refer, in lieu of such basic rate, to the per annum gross rate which an employee receiving such basic rate immediately prior to the effective date of this section would receive, without regard to such statutory provision or authority, under section 166b–1b of this title on and after such date. (Oct. 26, 1970, Pub. L. 91-510, § 483, 84 Stat. 1196.)

§ 166b–1d. Same; saving provision. 508.4

The provisions of sections 166b–1a to 166b–1f of this title shall not be construed to—

(1) limit or otherwise affect any authority for the making of any appointment to, or for fixing or adjusting the pay for, the position of any employee described in subparagraph (1) or subparagraph (2) of section 166b–1a of this title;

(2) affect the continuity of employment of, or reduce the pay of, any employee holding any position referred to in subparagraph (1) of this section; or

(3) modify, change, supersede, or otherwise affect the provisions of sections 5504 and 6101(a)(5) of title 5, insofar as such sections relate to the Office of the Architect of the Capitol. (Oct. 26, 1970, Pub. L. 91-510, § 484, 84 Stat. 1197.)

§ 166b–1e. Same; effect on existing law. 508.5

(a) All provisions of law inconsistent with sections 166b–1a to 166b–1f of this title are hereby superseded to the extent of the inconsistency.

(b) Sections 5504 and 6101(a)(5) of title 5 shall apply to employees of the House and Senate Restaurants who are paid at per annum rates of pay as long as such employees are under the supervision of the Architect of the Capitol as an agent of the House or Senate, respectively, as the case may be. (Oct. 26, 1970, Pub. L. 91-510, § 485, 84 Stat. 1197.)

508.6 § 166b-1f. Same; exemptions.

Notwithstanding any other provision of sections 166b-1a to 166b-1f of this title, the foregoing provisions of such sections do not apply to any employee described in section 166b-1a of this title whose pay is fixed and adjusted—

(1) in accordance with chapter 51, and subchapter III of chapter 53, of title 5, relating to classification and General Schedule pay rates;

(2) in accordance with subchapter IV of chapter 53 of title 5, relating to prevailing rate pay systems;

(3) at per hour or per diem rates in accordance with section 3 of the Legislative Pay Act of 1929, as amended (46 Stat. 38; 55 Stat. 615), relating to employees performing professional and technical services for the Architect of the Capitol in connection with construction projects and employees under the Office of the Architect of the Capitol whose tenure of employment is temporary or of uncertain duration; or

(4) in accordance with prevailing rates under authority of sections 174j-1 to 174j-7 of this title entitled "Joint Resolution transferring the management of the Senate Restaurants to the Architect of the Capitol, and for other purposes", or section 174k of this title, relating to the duties of the Architect of the Capitol with respect to the House of Representatives Restaurant. (Oct. 26, 1970, Pub. L. 91-510, § 486, 84 Stat. 1197.)

509 § 166b-2. Registered Nurses compensated under appropriations for Capitol Buildings, Senate Office Buildings and House Office Buildings; allocation to General Schedule salary grade.

Notwithstanding any other provision of law, effective on the first day of the first applicable pay period which begins on or after December 27, 1974, the positions of registered nurses compensated under appropriations for Capitol Buildings, Senate Office Buildings, and House Office Buildings shall be allocated by the Architect of the Capitol to grade 10 of the General Schedule and compensated initially at the same steps in such grade, currently in effect for their present grades, so long as such positions are held by the present incumbents.

Notwithstanding any other provision of law, effective January 1, 1975, none of the funds appropriated to the Architect of the Capitol shall thereafter be available for any nursing position unless the position is occupied by a Registered Nurse: *Provided*, That such provision shall not be applicable to the present incumbents of such positions. (June 20, 1958, Pub. L. 85-462, 72 Stat. 208; Dec. 27, 1974, Pub. L. 93-554, § 101, 88 Stat. 1777.)

§ 166b-3a. Compensation of certain positions in Office of Architect of Capitol.

(a) Amount of compensation to be that specified in appropriations Acts.

Notwithstanding any other provision of law, the pay for positions described in subsection (b) shall be the amounts specified for such positions in appropriations Acts.

(b) Positions covered.

The positions referred to in subsection (a) are: (1) the two positions of assistant referred to in the proviso in the first undesignated paragraph under the center subheadings "OFFICE OF THE ARCHITECT OF THE CAPITOL" and "SALARIES" in the Legislative Branch Appropriation Act, 1971 (40 U.S.C. 164a), and (2) the seven positions provided for in the third and fourth undesignated paragraphs under the center subheadings "OFFICE OF THE ARCHITECT OF THE CAPITOL" and "SALARIES" in the Legislative Branch Appropriation Act, 1960 (40 U.S.C. 166b-3).

(c) Calculation of amounts.

The pay for each position described in subsection (b) shall be the pay payable for such position with respect to the last pay period before this section takes effect, subject to any applicable adjustment during fiscal year 1988 under, subchapter I of chapter 53 of Title 5.

(d) Effective date.

This section shall apply in fiscal years beginning after September 30, 1987, with respect to pay periods beginning after December 22, 1987. (Pub. L. 100-202, § 101(i) [Title III, § 308], Dec. 22, 1987, 101 Stat. 1329-309.)

§ 166b-6. Assignment and reassignment of personnel by Architect of the Capitol for personal services.

Notwithstanding any other provisions of law, in order to improve the economic use of the personal services of his employees, the Architect of the Capitol is authorized hereafter to assign and reassign, without increase or decrease in basic salary or wages, any person on the employment rolls of his Office, for personal services in any buildings, facilities or grounds under his jurisdiction or for personal services in connection with any project under his jurisdiction for which appropriations have been made and are available, whenever such action, in his opinion, will be most advantageous to the interest of or result in either specific or overall savings to the Government. Exceptions may be made where there are differences in equipment. No assignment or reassignment of personnel by the Architect of the Capitol pursuant to this provision shall operate in any respect to augment or decrease any general or specific appropriation. (Pub. L. 100-202, § 106, Dec. 22, 1987, 101 Stat. 1329-433.)

NOTE

Sections 104 and 105 of Pub. L. 100-458, Oct. 1, 1988, (102 Stat. 2171), provided that:

"SEC. 104. Notwithstanding any other provisions of law, the Architect of the Capitol is hereby authorized to (1) develop a pilot program to determine the economic feasibility and efficiency of centralizing certain maintenance functions, to assign and reassign, without increase or decrease in basic salary or wages, any person on the employment rolls of the Office of the Architect of the Capitol, for personal services in any buildings, facilities, or grounds under his jurisdiction for which appropriations have been made and are available; (2) maintain appropriate cost and productivity records for the program; and (3) report to appropriate authorities, including the Committees on Appropriations, on the results of the program, together with recommendations for continuation or expansion of the program.

"SEC. 105. The Architect of the Capitol, under the direction of the Joint Committee on the Library, is authorized to accept donations to restore and display the Statue of Freedom model.".

NOTE

Section 308 of Pub. L. 100-458, Oct. 1, 1988 (102 Stat. 2183, 2184), provided:

"SEC. 308. The pay for the positions described in section 308(b) of the Legislative Branch Appropriations Act, 1988, as contained in section 101(i) of Public Law 100-202—

"(1) shall be subject to any applicable adjustment during fiscal year 1989 under, or by reference to any applicable adjustment during fiscal year 1989 under, subchapter I of chapter 3 of title 5, United States Code; and

"(2) with respect to the positions of Assistant Architect of the Capitol and Executive Assistant, shall be subject to any recommendation of the President that, pursuant to section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351 et seq.), takes effect during fiscal year 1989.".

510 **§ 168. Heating and ventilating Senate wing.**

All engineers and others who are engaged in heating and ventilating the Senate wing of the Capitol shall be subject to the orders and in all respects under the direction of the Architect of the Capitol, subject to the approval of the Senate Committee on Rules and Administration. (July 11, 1888, ch. 615, § 1, 25 Stat. 258; Aug. 2, 1946, ch. 753, §§ 102, 224, 60 Stat. 814, 838.)

511 **§ 170. Purchase of furniture or carpets for House or Senate.**

No furniture or carpets for either House shall be purchased without the written order of the chairman of the Committee on Rules and Administration, for the Senate, or without the written order of the chairman of the Committee on House Administration for the House. (R.S. § 1816; Aug. 2, 1946, ch. 753, §§ 102, 121, 224, 60 Stat. 814, 822, 838.)

511.1 **§ 170a. Receipts from sale of used or surplus furniture and furnishing of Senate.**

On and after October 1, 1982, receipts from the sale of used or surplus furniture and furnishings shall be deposited in the United States Treasury for credit to the appropriation for "Senate Office Buildings" under the heading "Architect of the Capitol." (Pub. L. 97-276, § 101(e), Oct. 2, 1982, 96 Stat. 1189.) (Codification. Section is based on S. 2939, Ninety-seventh Congress, 2d Session, as reported Sept. 22, 1982, which was made permanent law by Pub. L. 97-276.)

512 **§ 174b. Senate Office Buildings; approval of structural changes by Architect of Capitol.**

Structural changes in the Senate Office Building [1] shall only be made with the approval of the Architect of the Capitol. (July 1, 1941, ch. 268, § 1, 55 Stat. 458.)

513 **§ 174b-1. Same; additional office building.**

Upon completion of the additional office building[1] for the United States Senate, the building and the grounds and sidewalks surrounding the same shall be subject to the provisions of sections 174c, 174d, 193a—193m, 212a, and 212b of this title, in the same manner and to the same extent as the present Senate Office Building[1] and the grounds and sidewalks surrounding the same. (June 25, 1948, ch. 658, § 1, 62 Stat. 1029.)

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[1] See Senate Manual sections **79.8, 79.9.**

EXTENSION OF ADDITIONAL SENATE OFFICE BUILDING SITE 513.1

To enable the Architect of the Capitol, under the direction of the Senate Office Building Commission, to acquire on behalf of the United States, by purchase, condemnation, transfer, or otherwise, in addition to the real property contained in square 724 in the District of Columbia heretofore acquired under Public Law 85-429, approved May 29, 1958 (72 Stat. 148-149), and Public Law 91-382, approved August 18, 1970 (84 Stat. 819), for purposes of further extension of such site or for additions to the United States Capitol Grounds, all publicly or privately owned real property contained in lot 18 in square 724 in the District of Columbia, as such square appears on the records in the Office of the Surveyor of the District of Columbia as of the date of the approval of this Act: *Provided*, That for the purposes of this Act, square 724 shall be deemed to extent to the outer face of the curbs surrounding such square: *Provided further*, That, upon acquisition of any real property under this Act, the jurisdiction of the Capitol Police shall extend over such property: *Provided further*, That, any proceeding for condemnation brought under this Act shall be conducted in accordance with the Act of December 23, 1963 (16 D.C. Code, secs. 1351-1368): *Provided further*, That upon acquisition of any real property pursuant to this Act, the Architect of the Capitol, when directed by the Senate Office Building Commission to so act, is authorized to provide for the demolition and/or removal of any structures on, or constituting a part of, such property and to use the property for Government purposes or to lease any or all of such property for such periods and under such terms and conditions as he may deem most advantageous to the United States and to incur any necessary expenses in connection therewith: *Provided further*, That, such real property, when acquired under authority of this Act, shall be subject to the provisions of the Act of July 31, 1946, as amended (40 U.S.C. 193a-193m, 212a, and 212b): *Provided further*, That, the Architect of the Capitol, under the direction of the Senate Office Building Commission, is authorized to enter into contracts and to make such expenditures, including expenditures for personal and other services, expenditures authorized by Public Law 91-646, approved January 2, 1971 (84 Stat. 1894-1907), applicable to the Architect of the Capitol, and expenditures for any other required items, as may be necessary to carry out the provisions of the appropriation; $270,000, to remain available until expended. (Dec. 15, 1971, Pub. L. 92-184, 85 Stat. 637.)

CONSTRUCTION OF AN EXTENSION TO THE NEW SENATE OFFICE BUILDING[1] 513.2

To enable the Architect of the Capitol, under the direction of the Senate Office Building Commission, to provide for the construction and equipment of an extension to the New Senate Office Building,[1] in accordance with plans approved by such Commission and by the Senate Committee on Public Works, on the east half of square 725 including the public alley separating the east and west halves of such square, but excluding lot 885 in such square, containing office rooms and such other rooms and accommodations as may be approved by the Senate Office Building Commission, and by the Senate Committee on Public Works, including structural and other changes in the existing new Senate Office Building [1] necessitated by such construction, together with approaches, connections with the Capitol Power Plant and public utilities, and architectural landscape treatment of the grounds: *Provided*, That upon completion of the project, the building and the grounds and sidewalks surrounding the same shall be subject to the provisions of the Act of June 8, 1942 (40 U.S.C. 174 (c) and (d)), and the Act of July 31, 1946 (40 U.S.C. 193a-193m, 212a and 212b) in the same manner and to the same extent as the present Senate Office Buildings and the grounds and sidewalks surrounding the same: *Provided further*, That during each fiscal year, the Senate Committee on Public Works shall examine the progress and costs of construction of such building and take such steps as are necessary to insure its economical construction: *Provided further*, That the Architect of the Capitol, under the direction of the Senate Office Building Commission, is authorized and directed to enter into such contracts, incur such obligations, and make such expenditures, including expenditures for personal and other services, as may be necessary to carry out the provisions of this paragraph; $47,925,000, to remain available until expended.

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[1] See Senate Manual sections **79.8, 79.9**.

513.3 ACQUISITION OF PROPERTY AS A SITE FOR PARKING FACILITIES FOR THE UNITED STATES SENATE

To enable the Architect of the Capitol, under the direction of the Senate Office Building Commission, in addition to the real property contained in square 724 in the District of Columbia heretofore acquired under Public Law 85-429, approved May 29, 1958 (72 Stat. 148-149), Public Law 91-382, approved August 18, 1970 (84 Stat. 819), and Public Law 92-184, approved December 15, 1971 (85 Stat. 637), to acquire on behalf of the United States, by purchase, condemnation, transfer, or otherwise, as a site for parking facilities for the United States Senate, all publicly or privately owned real property contained in lots 79, 80, 86, 94, 805, 806, 833, 838, 839, 840, and 844 in square 724 in the District of Columbia, and all alleys or parts of alleys and streets contained within the curblines surrounding such square, as such square appears on the records in the office of the surveyor of the District of Columbia as of the date of the approval of this Act: *Provided*, That for the purposes of this paragraph, square 724 shall be deemed to extend to the outer face of the curbs surrounding such square: *Provided further*, That, upon acquisition of any real property under this paragraph, the jurisdiction of the Capitol Police shall extend over such property, and any property acquired under this paragraph shall become a part of the United States Capitol Grounds and be subject to the provisions of sections 193a-193m, 212a, and 212b of title 40, United States Code: *Provided further*, That any proceeding for condemnation brought under this paragraph shall be conducted in accordance with the Act of December 23, 1963 (16 D.C. Code secs. 1351-1368): *Provided further*, That, notwithstanding any other provision of law, any real property owned by the United States and any public alleys or parts of alleys and streets contained within the curblines surrounding square 724, shall, upon request of the Architect of the Capitol, made with the approval of the Senate Office Building Commission, be transferred to the jurisdiction and control of the Architect of the Capitol without reimbursement or transfer of funds, and any alleys or parts of alleys or streets contained within the curblines of said square shall be closed and vacated by the Commissioner of the District of Columbia, appointed pursuant to part III of Reorganization Plan Numbered 3 of 1967, in accordance with any request therefor made by the Architect of the Capitol with the approval of such Commission: *Provided further*, That, upon acquisition of any real property pursuant to this paragraph, the Architect of the Capitol, when directed by the Senate Office Building Commission to so act, is authorized to provide for the demolition and/or removal of any buildings or other structures on, or constituting a part of, such property and, pending demolition, to use the property for Government purposes or to lease any or all of such property for such periods and under such terms and conditions as he may deem most advantageous to the United States and to incur any necessary expenses in connection therewith: *Provided further*, That nothing herein shall be construed to prohibit the continued use of areas in square 724, acquired under authority of the Acts of May 29, 1958, August 18, 1970, and December 15, 1971, hereinbefore cited, for the parking of automobiles, until such times as such areas may be required for construction purposes: *Provided further*, That the Architect of the Capitol, under the direction of Senate Office Building Commission, is authorized to enter into such contracts, incur such obligations, and make such expenditures, including expenditures for personal and other services, and expenditures authorized by Public Law 91-646, approved January 2, 1971 (84 Stat. 1894-1907) applicable to the Architect of the Capitol, as may be necessary to carry out the provisions of this paragraph; $4,075,000, to remain available until expended.

513.4 PLANS FOR GARAGE AND RELATED FACILITIES FOR THE UNITED STATES SENATE

To enable the Architect of the Capitol to initiate and conduct a study, after consultation with the appropriate Federal agencies and individuals experienced in the design of vehicle parking structures, to explore design and cost alternatives for construction, on square 724, of a parking garage with limited commercial facilities, and report his preliminary findings and recommendations to the Senate Committee on Public Works: *Provided*, That the Architect of the Capitol, concurrently with such study, is authorized to establish, for the purpose of development of a basic concept therefor, an architectural design competition, in order to encourage the preparation of an imaginative design for the garage structure, including limited commercial facilities and landscaping and to assure a pleasant transition to and maximum coordination with the surrounding residential and commercial community in that area of Northeast Washington within sight of or adjoining the Capitol Grounds: *Provided further*, That such design concept may consider and include existing and future land use and structures in said surrounding community, and shall consider any existing model cities or other governmental planning for such Northeast area, including that of the National Capitol Planning Commission: *Provided further*, That guidelines and criteria specifically defining the limits, scope, and all aspects of the competition shall be developed and promulgated by the Architect of the Capitol, with the approval of the Senate Office Building Commission, and an award for the best design or designs shall be determined by a committee jointly designated for this purpose by the Architect of the Capitol and the Senate Office Building Commission, in such amount as they may deem to be appropriate: *Provided further*, That the Architect of the Capitol, under the direction of the Senate Office Building Commission, is authorized and directed to enter into such contracts, incur such obligations, and make such expenditures, including expenditures for personal and other services, as may be necessary to carry out the provisions of this paragraph; $50,000, to remain available until expended. (Oct. 31, 1972, Pub. L. 92-607, 86 Stat. 1510.)

§ 174c. Same; control, care, and supervision. 514

The Senate Office Building,[1] and the employment of all services (other than for officers and privates of the Capitol Police) necessary for its protection, care, and occupancy, together with all other items that may be appropriated for by the Congress for such purposes, shall be under the control and supervision of the Architect of the Capitol, subject to the approval of the Senate Committee on Rules and Administration as to matters of general policy; and the Architect of the Capitol shall submit annually to the Congress estimates in detail for all services (other than for officers and privates of the Capitol Police) and for all other expenses in connection with said office building and necessary for its protection, care, and occupancy. (June 8, 1942, ch. 396, § 1, 56 Stat. 343; Aug. 2, 1946, ch. 753, §§ 102, 224, 60 Stat. 814, 838.)

§ 174d. Same; assignment of space. 515

The assignment of rooms and other space in the Senate Office Building[1] shall be under the direction and control of the Senate Committee on Rules and Administration and shall not be a part of the duties of the Architect of the Capitol. (June 8, 1942, ch. 396, § 1, 56 Stat. 343; Aug. 2, 1946, ch. 753, §§ 102, 224, 60 Stat. 814, 838.)

§ 174d-1. Same; assignment of space for meetings of joint committees, conference committees, etc. 516

The President pro tempore of the Senate and the Speaker of the House of Representatives shall cause a survey to be made of available space within the Capitol which could be utilized for joint committee meetings, meetings of conference committees, and other meetings, requiring the attendance of both Senators and Members of the House of Representatives; and shall recommend the reassignment of such space to accommodate such meetings. (Aug. 2, 1946, ch. 753, § 242, 60 Stat. 839.)

§ 174e. Same; certification of vouchers. 517

It shall not be a duty of the Architect of the Capitol to certify any payroll or other voucher covering any expenditure from any appropriation for the Senate Office Building, or for any other building or activity, unless the obligation involved was incurred by him or under his direction. (June 8, 1942, ch. 396, § 1, 56 Stat. 343.)

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[1] See Senate Manual sections **79.8, 79.9.**

518 § 174j-1. Senate Restaurants; management by Architect of the Capitol; approval of matters of general policy; termination.

Effective August 1, 1961, the management of the Senate Restaurants and all matters connected therewith, heretofore under the direction of the Senate Committee on Rules and Administration, shall be under the direction of the Architect of the Capitol under such rules and regulations as the Architect may prescribe for the operation and the employment of necessary assistance for the conduct of said restaurants by such business methods as may produce the best results consistent with economical and modern management, subject to the approval of the Senate Committee on Rules and Administration as to matters of general policy: *Provided*, That the management of the Senate Restaurant by the Architect of the Capitol shall cease and the restaurants revert from the jurisdiction of the Architect of the Capitol to the jurisdiction of the Senate Committee on Rules and Administration upon adoption by that committee of a resolution ordering such transfer of jurisdiction at any time hereafter. (Pub. L. 87-82, § 1, July 6, 1961, 75 Stat. 199.)

NOTE

Section 5 of the Legislative Branch Appropriations Act, 1989, provided:

"SEC. 5. The Committee on Rules and Administration of the Senate may provide for the distribution of unused food from the Senate cafeterias under the jurisdiction of the committee to the needy of the District of Columbia through an appropriate private distribution organization selected by the committee." (Pub. L. 100-458, § 5, Oct. 1, 1988, 102 Stat. 2161.)

518.1 § 174j-2. Same; transfer of accounts, records, supplies, equipment, and assets of Senate Restaurants.

The Senate Committee on Rules and Administration after the close of business July 31, 1961, is hereby authorized and directed to transfer to the jurisdiction of the Architect of the Capitol all accounts, records, supplies, equipment, and assets of the Senate Restaurants that may be in the possession or under the control of the said committee in order that all such items may be available to the Architect of the Capitol toward the maintenance and operation of the Senate Restaurants. (Pub. L. 87-82, § 2, July 6, 1961, 75 Stat. 199.)

518.2 § 174j-3. Same: authorization and direction to effectuate purposes of sections 174j-1 to 174j-7 of this title.

The Architect of the Capitol is hereby authorized and directed to carry into effect for the United States Senate the provisions of sections 174j-1 to 174j-7 of this title and to exercise the authorities contained herein, and any resolution of the Senate amendatory hereof or supplementary hereto hereafter adopted. Such authority and direction shall continue until the United States Senate shall by resolution otherwise order, or until the Senate Committee on Rules and Administration shall by resolution order the restaurants to be returned to the committee's jurisdiction. (Pub. L. 87-82, § 3, July 6, 1961, 75 Stat. 199.)

§ 174j-4. Special deposit account; establishment; appropriations; approval of payments. 518.3

There is established with the Treasurer of the United States a special deposit account in the name of the Architect of the Capitol for the United States Senate Restaurants, into which shall be deposited all sums received pursuant to sections 174j-1 to 174j-7 of this title or any amendatory or supplementary resolutions hereafter adopted and from the operations thereunder and from which shall be disbursed the sums necessary in connection with the exercise of the duties required under section 174j-1 to 174j-7 of this title or any amendatory or supplementary resolutions and the operations thereunder. Any amounts appropriated for fiscal year 1973 and thereafter from the Treasury of the United States, which shall be part of a "Contingent Expenses of the Senate" item for the particular fiscal year involved, shall be paid to the Architect of the Capitol by the Secretary of the Senate at such times and in such sums as the Senate Committee on Rules and Administration may approve. Any such payment shall be deposited by the Architect in full under such special deposit account. (July 6, 1961, Pub. L. 87-82, § 4, 75 Stat. 199; July 9, 1971, Pub. L. 92-51, § 101, 85 Stat. 129; July 10, 1972, Pub. L. 92-342, § 101, 86 Stat. 435.)

§ 174j-5. Same; deposits and disbursements under special deposit account. 518.4

Deposits and disbursements under such special deposit account (1) shall be made by the Architect, or, when directed by him, by such employees of the Architect as he may designate, and (2) shall be subject to audit by the General Accounting Office at such times and in such manner as the Comptroller General may direct: *Provided,* That payments made by or under direction of the Architect of the Capitol from such special deposit account shall be conclusive upon all officers of the Government. (Pub. L. 87-82, § 5, July 6, 1961, 75 Stat. 200.)

§ 174j-6. Same; bond of Architect, Assistant Architect, and other employees. 518.5

The Architect, Assistant Architect, and any employees of the Architect designated by the Architect under section 174j-5 of this title shall each give bond in the sum of $5,000 with such surety as the Secretary of the Treasury may approve for the handling of the financial transactions under such special deposit account. (Pub. L. 87-82, § 6, July 6, 1961, 75 Stat. 200.)

§ 174j-7. Same; supersedure of prior provisions for maintenance and operation of Senate Restaurants. 518.6

This Act shall supersede any other Acts or resolutions heretofore approved for the maintenance and operation of the Senate Restaurants: *Provided, however,* That any Acts or resolutions now in effect shall again become effective, should the restaurants at any future time revert to the jurisdiction of the Senate Committee on Rules and Administration. (Pub. L. 87-82, § 7, July 6, 1961, 75 Stat. 200.)

518.6-1 **§ 174j-8. Management personnel and miscellaneous expenses; availability of appropriations; annual and sick leave.**

Hereafter, appropriations for the "Senate Office Buildings" shall be available for employment of management personnel of the Senate restaurant facilities and miscellaneous restaurant expenses (except cost of food and cigar stand sales) and, in fixing the compensation of such personnel, the compensation of four positions hereafter to be designated as Director of Food Service, Assistant Director of Food Service, Manager (special functions), and Administrative Officer shall be fixed by the Architect of the Capitol without regard to chapter 51 and subchapters III and IV of chapter 53 of Title 5, and shall thereafter be adjusted in accordance with section 5307 of Title 5. Annual and sick leave balances of such personnel, as of July 9, 1971, shall be credited to the leave accounts of such personnel, subject to the provisions of section 6304 of Title 5, upon their transfer to the appropriation for Senate Office Buildings and such personnel shall continue, while employed by the Architect of the Capitol, to earn leave at rates not less than their present accrual rates. (Pub. L. 92-51, § 101, July 9, 1971, 85 Stat. 138, amended Pub. L. 94-59, Title V, § 500, July 25, 1975, 89 Stat. 289.)

518.6-2 **§ 174j-9. Loans for Senate Restaurants.**

(a) Borrowing authority.

Subject to the approval of the Senate Committee on Rules and Administration, the Architect of the Capitol shall have authority to borrow (and be accountable for), from time to time, from the appropriation account, within the contingent fund of the Senate, for "Miscellaneous Items", such amount as he may determine necessary to carry out the provisions of the joint resolution entitled "Joint Resolution transferring the management of the Senate Restaurants to the Architect of the Capitol, and for other purposes", approved July 6, 1961, as amended (40 U.S.C. 174j-1 through 174j-8),[1] and resolutions of the Senate amendatory thereof or supplementary thereto.

(b) Amount and period of loan; voucher.

Any such loan authorized pursuant to subsection (a) of this section shall be for such amount and for such period as the Senate Committee on Rules and Administration shall prescribe and shall be made by the Secretary of the Senate to the Architect of the Capitol upon a voucher approved by the Chairman of the Senate Committee on Rules and Administration.

(c) Deposit, credit, and future availability of proceeds from repayment.

All proceeds from the repayment of any such loan shall be deposited in the appropriation account, within the contingent fund of the Senate, for "Miscellaneous Items", shall be credited to the fiscal year during which such loan was made, and shall thereafter be available for the same purposes for which the amount loaned was initially appropriated. (Pub. L. 98-396, Title I, § 101, Aug. 22, 1984, 98 Stat. 1395.)

518.7 **§ 184a. John W. McCormack Residential Page School—Construction authorization for dormitory and classroom facilities complex.**

(a) There is hereby authorized to be constructed, on a site jointly approved by the Senate Office Building Commission and the House

Office Building Commission, in accordance with plans which shall be prepared by or under the direction of the Architect of the Capitol and which shall be submitted to and jointly approved by the Senate Office Building Commission and the House Office Building Commission, a fireproof building containing dormitory and classroom facilities, including necessary furnishings and equipment, for pages of the Senate, the House of Representatives, and the Supreme Court of the United States.

(b) The Architect of the Capitol, under the joint direction and supervision of the Senate Office Building Commission and the House Office Building Commission, is authorized to acquire on behalf of the United States, by purchase, condemnation, transfer, or otherwise, such publicly or privately owned real property in the District of Columbia (including all alleys, and parts of alleys, and streets within the curblines surrounding such real property) located in the vicinity of the United States Capitol Grounds, as may be approved jointly by the Senate Office Building Commission and the House Office Building Commission, for the purpose of constructing on such real property, in accordance with this section, a suitable dormitory and classroom facilities complex for pages of the Senate, the House of Representatives, and the Supreme Court of the United States.

(c) Any proceeding for condemnation instituted under subsection (b) of this section shall be conducted in accordance with subchapter IV of chapter 13 of title 16 of the District of Columbia Code.

(d) Notwithstanding any other provision of law, any real property owned by the United States, and any alleys, or parts of alleys and streets, contained within the curblines surrounding the real property acquired on behalf of the United States under this section shall be transferred, upon the request of the Architect of the Capitol made with the joint approval of the Senate Office Building Commission and the House Office Building Commission, to the jurisdiction and control of the Architect of the Capitol.

(e) Notwithstanding any other provision of law, any alleys, or parts of alleys and streets, contained within the curblines surrounding the real property acquired on behalf of the United States under this section shall be closed and vacated by the Mayor of the District of Columbia in accordance with any request therefor made by the Architect of the Capitol with the joint approval of the Senate Office Building Commission and the House Office Building Commission.

(f) Upon the acquisition on behalf of the United States of all real property under this section, such property shall be a part of the United States Capitol Grounds and shall be subject to the provisions of sections 193a to 193m, 212a, and 212b of this title.

(g) The building constructed on the real property acquired under this section shall be designated the "John W. McCormack Residential Page School". The employment of all services (other than that of the United States Capitol Police) necessary for its protection, care, maintenance, and use, for which appropriations are made by Congress, shall be under the control and supervision of the Architect of the Capitol. Such supervision and control shall be subject to the joint approval and direction of the Speaker and the President pro tempore. The Architect shall submit annually to the Congress estimates in detail for all services, other than those of the United States Capitol Police or those provided in connection with the conduct of school operations and the personal supervision of pages, and for all other expenses in connection with the protection, care, maintenance, and use of the John W. McCormack Residential Page School. The Speaker and the President pro tempore shall prescribe, from time to time, regulations governing the Architect in the provision of services and the protection, care, and maintenance, of the John W. McCormack Residential Page School.

(h) The Speaker of the House of Representatives and the President pro tempore of the Senate jointly shall designate an officer of the House and an officer of the Senate, other than a Member of the House or Senate, who shall jointly exercise supervision and control over the activities of the pages resident in the John W. McCormack Residential Page School. With the approval of the Speaker and the President pro tempore, such officers so designated shall prescribe regulations governing—

(1) the actual use and occupancy of the John W. McCormack Residential Page School including, if necessary, the imposition of a curfew for pages;

(2) the conduct of pages generally; and

(3) other matters pertaining to the supervision, direction, safety, and well-being of pages in off-duty hours.

Such officers, subject to the approval of the Speaker and the President pro tempore, jointly shall appoint and fix the per annum gross rate of pay of a Residence Superintendent of Pages, who shall perform such duties with respect to the supervision of pages resident therein as those officials shall prescribe. In addition, such officers, subject to the approval of the Speaker and the President pro tempore, jointly shall appoint and fix the per annum gross rates of pay of such additional personnel as may be necessary to assist those officers and the Residence Superintendent of Pages in carrying out their functions under this section.

(i) Nothing in section 88b-1 of title 2 and this section shall affect the operation of section 88a of title 2 or section 88b of title 2, relating to educational facilities of pages and other minors who are congressional employees. (Oct. 26, 1970, Pub. L. 91-510, § 492, 84 Stat. 1199; Dec. 24, 1973, Pub. L. 93-198, § 421, 87 Stat. 789.)

518.8 ACQUISITION OF PROPERTY AS AN ADDITION TO THE CAPITOL GROUNDS

To enable the Architect of the Capitol to acquire on behalf of the United States, as an addition to the United States Capitol Grounds, by purchase, condemnation, transfer, or otherwise, all publicly or privately owned property contained in square 764 in the District of Columbia, and all alleys or parts of alleys contained within the curblines surrounding such square, as such square appears on the records in the office of the surveyor of the District of Columbia as of the date of the approval of this Act: *Provided*, That any proceeding for condemnation brought under this paragraph shall be conducted in accordance with the Act of December 23, 1963 (16 D.C. Code, secs. 1351-1368): *Provided further*, That for the purposes of this paragraph, square 764 shall be deemed to extend to the outer face of the curbs surrounding such square: *Provided further*, That notwithstanding any other provision of law, any real property owned by the United States and any public alleys or parts of alleys and streets contained within the curblines surrounding such square shall, upon request of the Architect of the Capitol, be transferred to the jurisdiction and control of the Architect of the Capitol without reimbursement or transfer of funds, and any alleys or parts of alleys or streets contained within the curblines of said square shall be closed and vacated by the Commissioner of the District of Columbia, appointed pursuant to part III of Reorganization Plan numbered 3 of 1967, in accordance with any request therfor made by the Architect of the Capitol: *Provided further*, That, upon acquisition of such real property pursuant to this paragraph, the Architect of the Capitol is authorized to use such property as a green park area, pending its development for permanent use as the site of the John W.

McCormack Residential Page School, subject to the approval of the Senate Office Building Commission and the House Office Building Commission: *Provided further*, That the jurisdiction of the Capitol Police shall extend over any real property acquired under this paragraph and such property shall become a part of the United States Capitol Grounds and be subject to the provisions of sections 193a-193m, 212a, and 212b of title 40, United States Code: *Provided further*, That the Architect of the Capitol, under the direction of the Senate Office Building Commission and the House Office Building Commission, is authorized and directed to enter into such contracts, incur such obligations, and make such expenditures, including expenditures for personal and other services, as may be necessary to carry out the provisions of this paragraph; $1,450,000, to remain available until expended. (Oct. 31, 1972, Pub. L. 92-607, 86 Stat. 1512.)

§ 185a. Senate garage; control, supervision, and care. 519

(a) The employees of the Senate garage engaged by the Architect of the Capitol for the primary purpose of servicing official motor vehicles, together with the functions performed by such employees, shall, on October 1, 1980, be transferred to the jurisdiction of the Sergeant at Arms and Doorkeeper of the Senate: *Provided further*, That, effective July 1, 1965, the underground space in the north extension of the Capitol Grounds, known as the Legislative Garage shall hereafter be known as the Senate Garage and shall be under the jurisdiction and control of the Architect of the Capitol, subject to such regulations respecting the use thereof as may be promulgated by the Senate Committee on Rules and Administration: *Provided further*, That such regulations shall provide for the continued assignment of space and the continued furnishing of service in such garage for official motor vehicles of the House and the Senate and the Architect of the Capitol and Capitol Grounds maintenance equipment.

(b) As used in subsection (a) of this section, the term "servicing" includes, with respect to an official motor vehicle, the washing and fueling of such vehicle, the checking of its tires and battery, and checking and adding oil. (June 30, 1932, ch. 314, § 1, 47 Stat. 391; Aug. 20, 1964, Pub. L. 88-454, 78 Stat. 545; Oct. 13, 1980, Pub. L. 96-444, § 1(a)(1), (b), 94 Stat. 1889.)

§ 186. Transfer of material and equipment to Architect. 520

The Secretary of the Army is authorized to transfer, without payment, to the Architect of the Capitol, such material and equipment, not required by the Department of the Army, as the Architect may request for use at the Capitol powerplant, the Capitol Building, and the Senate and House Office Buildings. (June 5, 1920, ch. 253, § 1, 41 Stat. 1035; Mar. 3, 1921, ch. 124, § 1, 41 Stat. 1291.)

§ 187. National Statuary Hall. 521

Suitable structures and railings shall be erected in the old hall of Representatives for the reception and protection of statuary, and the same shall be under the supervision and direction of the Architect of the Capitol. And the President is authorized to invite all the States to provide and furnish statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof, and illustrious for their historic renown or for distinguished civic or military services, such as each State may deem to be worthy of this national commemoration; and when so furnished, the same shall be placed in the old hall of the House of Representatives, in the Capitol of the United States, which is set apart, or so much thereof as may be

necessary, as a national statuary hall for the purpose indicated in this section. (R.S. § 1814; Aug. 15, 1876, ch. 287, § 1, 19 Stat. 147; Mar. 3, 1921, ch. 124, § 1, 41 Stat. 1291.)

521.1

LOCATION OF STATUES

House Concurrent Resolution 47, passed Feb. 24, 1933, 47 Stat. Part 2, 1784, provided:

"That the Architect of the Capitol, upon the approval of the Joint Committee on the Library, with the advice of the Commission of Fine Arts, is hereby authorized and directed to relocate within the Capitol any of the statues already received and placed in Statuary Hall, and to provide for the reception and location of the statues received hereafter from the States."

522 § 188. Works of fine arts.

The Joint Committee on the Library, whenever, in their judgment, it is expedient, are authorized to accept any work of the fine arts, on behalf of Congress, which may be offered, and to assign the same such place in the Capitol as they may deem suitable, and shall have the supervision of all works of art that may be placed in the Capitol. (R.S. § 1831.)

523 § 189. Art exhibits.

No work of art or manufacture other than the property of the United States shall be exhibited in the National Statuary Hall, the Rotunda, or the corridors of the Capitol. (Mar. 3, 1879, ch. 182, § 1, 20 Stat. 391.)

524 § 190. Same.

No room in the Capitol shall be used for private studios or works of art, without permission from the Joint Committee on the Library, given in writing; and it shall be the duty of the Architect of the Capitol to carry this provision into effect. (Mar. 3, 1875, ch. 130, § 1, 18 Stat. 376.)

525 § 193. Protection of buildings and property.

The Sergeants at Arms of the Senate and of the House of Representatives are authorized to make such regulations as they may deem necessary for preserving the peace and securing the Capitol from defacement, and for the protection of the public property therein, and they shall have power to arrest and detain any person violating such regulations, until such person can be brought before the proper authorities for trial. (R.S. § 1820.)

CROSS REFERENCES

Policing of Capitol building and grounds, see section 212a of this title (Senate Manual section **546**).

Use of Capitol Grounds as playground prohibited, see section 214 of this title (Senate Manual section **549**).

Use of Capitol Grounds for temporary recreational purposes permitted, see section 214a of this title (Senate Manual section **549.1**).

526 § 193a. United States Capitol Grounds; area comprising; jurisdiction.

The United States Capitol Grounds shall comprise all squares, reservations, streets, roadways, walks, and other areas as defined on a map entitled "Map showing areas comprising United States Capitol Grounds", dated June 25, 1946, approved by the Architect of the Capitol and recorded in the Office of the Surveyor of the District of Columbia in book 127, page 8, including all additions added thereto by law subsequent to June 25, 1946, and the jurisdiction and control over the United States Capitol

Grounds, vested prior to July 31, 1946, by law in the Architect of the Capitol, is extended to the entire area of the United States Capitol Grounds and the Architect of the Capitol shall be responsible for the maintenance and improvement thereof, including those streets and roadways in said United States Capitol Grounds as shown on said map as being under the jurisdiction and control of the Commissioners of the District of Columbia, except that the Commissioners of the District of Columbia shall be responsible for the maintenance and improvement of those portions of the following streets which are situated between the curblines thereof: Constitution Avenue from Second Street Northeast to Third Street Northwest, First Street from D Street N.E. to D Street S.E., D Street from First Street S.E. to Canal Street S.W., and First Street from the north side of Louisiana Avenue to the intersection of C Street and Canal Street S.W., Pennsylvania Avenue Northwest from First Street Northwest to Third Street Northwest, Maryland Avenue Southwest from First Street Southwest to Third Street Southwest, Second Street Northeast from F Street Northeast to C Street Southeast; C Street Southeast from Second Street Southeast to First Street Southeast; that portion of Maryland Avenue Northeast from Second Street Northeast to First Street Northeast; that portion of New Jersey Avenue Northwest from D Street Northwest to Louisiana Avenue; that portion of Second Street Southwest from the north curb of D Street to the south curb of Virginia Avenue Southwest; that portion of Virginia Avenue Southwest from the east curb of Second Street Southwest to the west curb of Third Street Southwest; that portion of Third Street Southwest from the south curb of Virginia Avenue Southwest to the north curb of D Street Southwest; that portion of D Street Southwest from the west curb of Third Street Southwest to the east curb of Second Street Southwest; that portion of Canal Street Southwest, including sidewalks and traffic islands, from the south curb of Independence Avenue Southwest to the west curb of South Capitol Street: *Provided*, That the Commissioner of the District of Columbia shall be permitted to enter any part of said United States Capitol Grounds for the purpose of repairing or maintaining or, subject to the approval of the Architect of the Capitol, for the purpose of constructing or altering, any utility service of the District of Columbia government. (July 31, 1946, ch. 707, § 1, 60 Stat. 718; Oct. 20, 1967, Pub. L. 90-1080, § 1(a), 81 Stat. 275; Oct. 10, 1980, Pub. L. 96-432, § 2, 94 Stat. 1852.)

NOTE

Public Law 97-379, December 22, 1982, 96 Stat. 1935, provided in part that the definition of United States Capitol Grounds should include the following additional areas which are situated as follows:

(1) All sidewalks and contiguous areas presently under the jurisdiction of the District of Columbia located on the south side of Pennsylvania Avenue, Northwest, between the west curb of First Street, Northwest and the east curb of Third Street, Northwest.

(2) All sidewalks and contiguous areas presently under the jurisdiction of the District of Columbia located on the north side of Maryland Avenue, Southwest, between the west curb of First Street, Southwest and the east curb of Third Street, Southwest.

(3) All sidewalks and contiguous areas presently under the jurisdiction of the District of Columbia, located on the west side of First Street between the south curb of Pennsylvania Avenue, Northwest and the north curb of Maryland Avenue, Southwest.

(4) All sidewalks and contiguous areas presently under the jurisdiction of the District of Columbia, located on the east side of Third Street between the south curb of Pennsylvania Avenue, Northwest and the north curb of Maryland Avenue, Southwest.

Section 3 of Pub. L. 96-432 provided that: "On and after the effective date of this section [See section 4 of Pub. L. 96-432], that portion of C Street Northeast from the west curb of Second Street Northeast to the east curb of First Street Northeast shall be under the exclusive jurisdiction and control of the Capitol Police Board and the Architect of the Capitol in the same manner and to the same extent as such Board or the Architect of the Capitol has over other streets comprising the United States Capitol Grounds, and the Architect of the Capitol shall be responsible for the maintenance and improvement thereof."

527 § 193b. Same; public use.

Public travel in and occupancy of said United States Capitol Grounds shall be restricted to the roads, walks, and places prepared for that purpose by flagging, paving, or otherwise. (July 31, 1946, ch. 707, § 2, 60 Stat. 718.)

528 § 193c. Same; obstruction of roads; conveyance of goods or merchandise.

It is forbidden to occupy the roads in said United States Capitol Grounds in such manner as to obstruct or hinder their proper use, or to use the roads in the area of said United States Capitol Grounds, south of Constitution Avenue and B Street and north of Independence Avenue and B Street, for the conveyance of goods or merchandise, except to or from the Capitol on Government service. (July 31, 1946, ch. 707, § 3, 60 Stat. 718.)

529 § 193d. Same; sale of articles; signs; solicitation.

It is forbidden to offer or expose any article for sale in said United States Capitol Grounds; to display any sign, placard, or other form of advertisement therein; to solicit fares, alms, subscriptions, or contributions therein. (July 31, 1946, ch. 707, § 4, 60 Stat. 718.)

530 § 193e. Same; injuries to property.

It is forbidden to step or climb upon, remove, or in any way injure any statue, seat, wall, fountain, or other erection or architectural feature, or any tree, shrub, plant, or turf in said United States Capitol Grounds. (July 31, 1946, ch. 707, § 5, 60 Stat. 718.)

531 § 193f. Same; firearms, dangerous weapons, explosives, or incendiary devices; violent entry and disorderly conduct in the Capitol Grounds and Buildings; exemption of Government officials.

(a) It shall be unlawful for any person or group of persons—

(1) Except as authorized by regulations which shall be promulgated by the Capitol Police Board:

(A) to carry on or have readily accessible to the person of any individual upon the United States Capitol Grounds or within any of the Capitol Buildings any firearm, dangerous weapon, explosive, or incendiary device; or

(B) to discharge any firearm or explosive, to use any dangerous weapon, or to ignite any incendiary device, upon the United States Capitol Grounds or within any of the Capitol Buildings; or

(C) to transport by any means upon the United States Capitol Grounds or within any of the Capitol Buildings any explosive or incendiary device; or

(2) Knowingly, with force and violence, to enter or to remain upon the floor of either House of the Congress.

(b) It shall be unlawful for any person or group of persons willfully and knowingly—

(1) to enter or to remain upon the floor of either House of the Congress, to enter or to remain in any cloakroom or lobby adjacent to such floor, or to enter or to remain in the Rayburn Room of the House or the Marble Room of the Senate, unless such person is authorized, pursuant to rules adopted by that House or pursuant to authorization given by that House, to enter or to remain upon such floor or in such cloakroom, lobby, or room;

(2) to enter or to remain in the gallery of either House of the Congress in violation of rules governing admission to such gallery adopted by that House or pursuant to authorization given by that House;

(3) to enter or to remain in any room within any of the Capitol Buildings set aside or designated for the use of either House of the Congress or any Member, committee, subcommittee, officer, or employee of the Congress or either House thereof with intent to disrupt the orderly conduct of official business;

(4) to utter loud, threatening, or abusive language, or to engage in any disorderly or disruptive conduct, at any place upon the United States Capitol Grounds or within any of the Capitol Buildings with intent to impede, disrupt, or disturb the orderly conduct of any session of the Congress or either House thereof, or the orderly conduct within any such building of any hearing before, or any deliberations of, any committee or subcommittee of the Congress or either House thereof;

(5) to obstruct, or to impede passage through or within, the United States Capitol Grounds or any of the Capitol Buildings;

(6) to engage in any act of physical violence upon the United States Capitol Grounds or within any of the Capitol Buildings; or

(7) to parade, demonstrate, or picket within any of the Capitol Buildings.

(c) Nothing contained in this section shall forbid any act of any Member of Congress, or any employee of a Member of the Congress, any officer or employee of the Congress or any committee or subcommittee thereof, or any officer or employee of either House of the Congress or any committee or subcommittee thereof, which is performed in the lawful discharge of his official duties. (July 31, 1946, ch. 707, § 6, 60 Stat. 718; Aug. 6, 1962, Pub. L. 87-571, 76 Stat. 307; Oct. 20, 1967, Pub. L. 90-108, § 1(b), 81 Stat. 276.)

§ 193g. Same; parades or assemblages; display of flags. 532

It is forbidden to parade, stand, or move in processions or assemblages in said United States Capitol Grounds, or to display therein any flag, banner, or device designed or adapted to bring into public notice any party, organization, or movement, except as hereinafter provided in sections 193j and 193k of this title. (July 31, 1946, ch. 707, § 7, 60 Stat. 719.)

Note

The Case of Jeannette Rankin Brigade v. Chief of Capitol Police, D.C., D.C. 1972, 342 F. Supp. 575, affirmed 93 S. Ct. 311, 409 U.S. 972, held that the governmental interest in maintenance of a "park-like setting" on Capitol grounds was not sufficient to sustain this section prohibiting parades or assemblages on the Capitol grounds and that the section is void on its face on both U.S.C.A. Const. Amends. 1 and 5 grounds.)

533 § 193h. Same; prosecution and punishment of offenses; procedure.

(a) Any violation of section 193f(a) of this title, and any attempt to commit any such violation, shall be a felony punishable by a fine not exceeding $5,000, or imprisonment not exceeding five years, or both.

(b) Any violation of section 193b, 193c, 193d, 193e, 193f(b), or 193g of this title, and any attempt to commit any such violation, shall be a misdemeanor punishable by a fine not exceeding $500, or imprisonment not exceeding six months, or both.

(c) Violations of sections 193a–193m, 212a and 212b of this title, including attempts or conspiracies to commit such violations, shall be prosecuted by the United States attorney or his assistants in the name of the United States. None of the general laws of the United States and none of the laws of the District of Columbia shall be superseded by any provision of sections 193a–193m, 212a and 212b of this title. Where the conduct violating sections 193a–193m, 212a and 212b of this title also violates the general laws of the United States or the laws of the District of Columbia, both violations may be joined in a single prosecution. Prosecution for any violation of section 193f(a) of this title or for conduct which constitutes a felony under the general laws of the United States or the laws of the District of Columbia shall be in the United States District Court for the District of Columbia. All other prosecutions for violations of sections 193a–193m, 212a and 212b of this title may be in the Superior Court of the District of Columbia. Whenever any person is convicted of a violation of sections 193a–193m, 212a and 212b of this title and of the general laws of the United States or the laws of the District of Columbia, in a prosecution under this subsection, the penalty which may be imposed for such violation is the highest penalty authorized by any of the laws for violation of which the defendant is convicted. (July 31, 1946, ch. 707, § 8, 60 Stat. 719; Oct. 20, 1967, Pub. L. 90–108, § 1(c), 81 Stat. 277; July 29, 1970. Pub. L. 91–358, § 155(a), 84 Stat. 570.)

534 § 193i. Same; assistance to authorities by Capitol employees.

It shall be the duty of all persons employed in the service of the Government in the Capitol or in the United States Capitol Grounds to prevent, as far as may be in their power, offenses against sections 193a–193m, 212a, 212b of this title, and to aid the police, by information or otherwise, in securing the arrest and conviction of offenders. (July 31, 1946, ch. 707, § 10, 60 Stat. 719.)

535 § 193j. Same; suspension of prohibitions against use of grounds.

In order to admit of the due observance within the United States Capitol Grounds of occasions of national interest becoming the cognizance and entertainment of Congress, the President of the Senate and the Speaker of the House of Representatives, acting concurrently, are authorized to suspend for such proper occasions so much of the prohibitions contained in sections 193b–193g of this title as would prevent the use of the roads and walks of the said grounds by processions or assemblages, and the use upon them of suitable decorations, music, addresses, and ceremonies: *Provided*, That responsible officers shall have been appointed, and arrangements determined which are adequate, in the judgment of said President of the Senate and Speaker of the House of Representatives, for the maintenance of suitable order and decorum in the proceedings, and for guarding the Capitol and its grounds from injury. (July 31, 1946, ch. 707, § 11, 60 Stat. 719.)

§ 193k. Same; power of Capitol Police Board to suspend prohibitions. 536

In the absence from Washington of either of the officers designated in section 193j of this title, the authority therein given to suspend certain prohibitions of sections 193b–193g of this title shall devolve upon the other, and in the absence from Washington of both it shall devolve upon the Capitol Police Board: *Provided*, That notwithstanding the provisions of sections 193g and 193j of this title, the Capitol Police Board is authorized to grant the Commissioners of the District of Columbia authority to permit the use of Louisiana Avenue for any of the purposes prohibited by section 193g of this title. (July 31, 1946, ch. 707, § 12, 60 Stat. 719.)

§ 193*l*. Same; concerts on grounds. 537

Nothing in sections 193a–193k and 212a of this title shall be construed to prohibit the giving of concerts in the United States Capitol Grounds, at such times as will not interfere with the Congress, by any band in the service of the United States, when and as authorized by the Architect of the Capitol. (July 31, 1946, ch. 707, § 13, 60 Stat. 720.)

§ 193m. Same; definitions. 538

(a) As used in sections 193a–193m, 212a and 212b of this title—

(1) The term "Capitol Buildings" means the United States Capitol, the Senate and House Office Buildings and garages, the Capitol Power Plant, all subways and enclosed passages connecting two or more such structures, and the real property underlying and enclosed by any such structure.

(2) The term "firearm" shall have the same meaning as when used in section 901(3) of title 15.

(3) The term "dangerous weapon" includes all articles enumerated in section 14(a) of the Act of July 8, 1932 (47 Stat. 654, as amended; D.C. Code 22-3214(a)) and also any device designed to expel or hurl a projectile capable of causing injury to persons or property, daggers, dirks, stilettoes, and knives having blades over three inches in length.

(4) The term "explosive" shall have the same meaning as when used in section 121(1) of title 50.

(5) The term "act of physical violence" means any act involving (1) an assault or any other infliction or threat of infliction of death or bodily harm upon any individual, or (2) damage to or destruction of any real property or personal property. (July 31, 1946, ch. 707, § 16(a), 60 Stat. 721; Oct. 20, 1967, Pub. L. 90-108, § 1(d), 81 Stat. 277.)

§ 193m-1. Audit of accounts of certain private organizations. 538.1

Any private organization, except political parties and committees constituted for election of Federal officials, whether or not organized for profit and whether or not any of its income inures to the benefit of any person, which performs services or conducts activities in or on the United States Capitol Buildings or Grounds, as defined by or pursuant to law, shall be subject, for each year in which it performs such services or conducts such activities, to a special audit of its accounts which shall be conducted by the General Accounting Office. The results of such audit shall be reported by the Comptroller General to the Senate and House of Representatives. (Oct. 26, 1970, Pub. L. 91-510, § 451, 84 Stat. 1193.)

539 § 206. Capitol police; appointment.

There shall be a Capitol police. The captain and lieutenants shall be selected jointly by the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives; and one-half of the privates shall be selected by the Sergeant at Arms of the Senate and one-half by the Sergeant at Arms of the House of Representatives. The Capitol Police shall be headed by a Chief who shall be appointed by the Capitol Police Board and shall serve at the pleasure of the Board. (R.S. § 1821; Apr. 28, 1902. Ch. 594, § 1, 32 Stat. 124; June 28, 1943, ch. 173, § 101, 57 Stat. 230; Dec. 20, 1979, Pub. L. 96-152, § 1(a), 93 Stat. 1099.)

539.1 § 206c. Same; emergency duty overtime pay from funds disbursed by Secretary of the Senate; compensatory time off in place of additional pay; election, accrual and transfer of time off; rules and regulations.

Each officer or member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate, who performs duty in addition to the number of hours of his regularly scheduled tour of duty for any day on or after July 1, 1974, is entitled to be paid compensation (when ordered to perform such duty by proper authority) or receive compensatory time off for each such additional hour of duty, except that an officer shall be entitled to such compensation only upon a determination made by the Capitol Police Board with respect to any additional hours. Compensation of an officer or member for each additional hour of duty shall be paid at a rate equal to his hourly rate of compensation in the case of an officer, and at a rate equal to one and one-half times his hourly rate of compensation for a member of such force. The hourly rate of compensation of such officer or member shall be determined by dividing his annual rate of compensation by 2,080. Any officer or member entitled to be paid compensation for such additional hours shall make a written election, which is irrevocable, whether he desires to be paid that compensation or to receive compensatory time off instead for each such hour. Compensation due officers and members under this paragraph shall be paid by the Secretary, upon certification by the Chief of the Capitol Police at the end of each calendar quarter and approval of the Capitol Police Board, from funds available in the Senate appropriation, "Salaries, Officers and Employees" for the fiscal year in which the additional hours of duty are performed without regard to the limitations specified therein. Any compensatory time off accured and not used by an officer or member at the time he is separated from service on the Capitol Police force may not be transferred to any other department, agency, or establishment of the United States Government or the government of the District of Columbia, and no lump-sum amount shall be paid for such accured time. The Capitol Police Board is authorized to prescribe regulations to carry out this section. (Pub. L. 92-51, § 101, July 9, 1971; 85 Stat.

130, amended Pub. L. 93-145, § 101, Nov. 1, 1973, 87 Stat. 532; Pub. L. 93-371, § 101(5), Aug. 13, 1974, 88 Stat. 430.)

§ 207. Same; payment. 540

The said police shall be paid on the order of the Sergeant at Arms of the Senate and the Sergeant at Arms of the House, or of either of them. (R.S. § 1822.)

§ 208. Same; suspension of members. 541

The captain of the Capitol police may suspend any member of the force, subject to the approval of the two Sergeants at Arms and of the Architect of the Capitol. (R.S. § 1823; Mar. 3, 1921, ch. 124, § 1, 41 Stat. 1291.)

§ 209. Same; pay of members under suspension. 542

Whenever a member of the Capitol police or watch force is suspended from duty for cause, said policeman or watchman shall receive no compensation for the time of such suspension if he shall not be reinstated. (Mar. 3, 1875, ch. 129, § 1, 18 Stat. 345.)

§ 210. Same; uniforms; belts and arms. 543

The Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives shall select and regulate the pattern for a uniform for the Capitol police and watchmen, and furnish each member of the force with the necessary belts and arms, payable out of the contingent fund of the Senate and House of Representatives upon the certificate of the officers above named. Such arms so furnished shall be carried by each officer and member of the Capitol Police, while in the Capitol Building (as defined in section 16(a)(1) of the Act of July 31, 1946, as amended (40 U.S.C. 193m)), and while within or outside of the boundaries of the United States Capitol Grounds (as defined in the first section of the Act of July 31, 1946, as amended (40 U.S.C. 193a)), in such manner and at such times as the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives may, by regulations, prescribe. (R.S. § 1824, Oct. 31, 1972, Pub. L. 92-607, § 507, 86 Stat. 1508; May 4, 1977, Pub. L. 95-26, § 112, 91 Stat. 87.)

§ 211. Same; uniforms; at whose expense. 544

The members of the Capitol police shall furnish at their own expense, each his own uniform, which shall be in exact conformity to that required by regulation of the Sergeants at Arms. (R.S. § 1825.)

§ 212. Same; wearing uniform on duty. 545

The officers, privates, and watchmen of the Capitol police shall, when on duty, wear the regulation uniform. (Mar. 18, 1904, ch. 716, § 1, 33 Stat. 89.)

§ 212a. Policing of Capitol buildings and grounds; powers of Capitol police; arrests by District of Columbia police. 546

The Capitol police shall police the United States Capitol Buildings and Grounds under the direction of the Capitol Police Board, consisting of the Sergeant at Arms of the United States Senate, the Sergeant at Arms of the House of Representatives, and the Architect of the Capitol, and shall have the power to enforce the provisions of sections 193a–193m, 212a, and 212b of this title and regulations promulgated under section

212b of this title, and to make arrests within the United States Capitol Buildings and Grounds for any violations of any law of the United States, of the District of Columbia, or of any State, or any regulation promulgated pursuant thereto: *Provided*, That the Metropolitan Police force of the District of Columbia are authorized to make arrests within the United States Capitol Buildings and Grounds for any violations of any such laws or regulations, but such authority shall not be construed as authorizing the Metropolitan Police force, except with the consent or upon the request of the Capitol Police Board, to enter such buildings to make arrests in response to complaints or to serve warrants or to patrol the United States Capitol Buildings and Grounds. For the purpose of this section, the word "grounds" shall include the House Office Building parking area. (July 31, 1946, ch. 707, § 9, 69 Stat. 719; Dec. 24, 1973, Pub. L. 93-198, title VII, § 739(g)(4), (5), 87 Stat. 829.)

546.1 **§ 212a-1. Capitol grounds and Library of Congress grounds; detail of police.**

The Capitol Police Board is authorized to detail police from the House Office, Senate Office, and Capitol Buildings for police duty on the Capitol Grounds and on the Library of Congress Grounds. (Pub. L. 96-432, § 5, Oct. 10, 1980, 94 Stat. 1853.)

546.2 **§ 212a-2. Protection of Members of Congress, officers of Congress, and members of their families.**

(a) Authority of the Capitol Police.

Subject to the direction of the Capitol Police Board, the United States Capitol Police is authorized to protect, in any area of the United States, the person of any Member of Congress, officer of the Congress, as defined in section 60-1(b) of Title 2, and any member of the immediate family of any such Member or officer, if the Capitol Police Board determines such protection to be necessary.

(b) Detail of police.

In carrying out its authority under this section, the Capitol Police Board, or its designee, is authorized, in accordance with regulations issued by the Board pursuant to this section, to detail, on a case-by-case basis, members of the United States Capitol Police to provide such protection as the Board may determine necessary under this section.

(c) Arrest of suspects.

In the performance of their protective duties under this section, members of the United States Capitol Police are authorized (1) to make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony; and (2) to utilize equipment and property of the Capitol Police.

(d) Fines and penalties.

Whoever knowingly and willfully obstructs, resists, or interferes with a member of the Capitol Police engaged in the performance of the protective functions authorized by this section, shall be fined not more than $300 or imprisoned not more than one year, or both.

(e) Construction of provisions.

Nothing contained in this section shall be construed to imply that the authority, duty, and function conferred on the Capitol Police Board and the United States Capitol Police are in lieu of or intended to supersede any authority, duty, or function imposed on any Federal department, agency, bureau, or other entity, or the Metropolitan Police of the District of Columbia, involving the protection of any such Member, officer, or family member.

(f) Definition.

As used in this section, the term "United States" means each of the several States of the United States, the District of Columbia, and territories and possessions of the United States. (Pub. L. 97-143, § 1(a), Dec. 29, 1981, 95 Stat. 1723.)

NOTE

Supplemental Appropriations Act, 1977, Pub. L. 95-26, chapter VIII, § 113.91 Stat. 87, provided:

"Sec. 113. The Chairman of the Capitol Police Board is authorized, subject to such conditions as he may impose, to authorize the assignment of a police motor vehicle for use by instructor personnel of the Capital Police Force while assigned to the Federal Law Enforcement Training Center."

CROSS REFERENCE 547

For the definition of Capitol Buildings, see section 193m of this title. (Senate Manual section **538**.)

§ 212b. Regulation of traffic by Capitol Police Board; penalties; prosecution; promulgation and publication of regulations. 547.1

(a) The Capitol Police Board, consisting of the Sergeant at Arms of the United States Senate, the Sergeant at Arms of the House of Representatives, and the Architect of the Capitol, shall have exclusive charge and control of the regulation and movement of all vehicular and other traffic, including the parking and impounding of vehicles and limiting the speed thereof, within the United States Capitol Grounds; and said Board is authorized and empowered to make and enforce all necessary regulations therefor and to prescribe penalties for violation of such regulations, such penalties not to exceed a fine of $300 or imprisonment for not more than ninety days. Notwithstanding the foregoing provisions of this section those provisions of the Superior Court of the District of Columbia Traffic Act of 1925, as amended, for the violation of which specific penalties are provided in said Act, as amended, shall be applicable to the United States Capitol Grounds. Prosecutions for violation of such regulations shall be in the Superior Court of the District of Columbia, upon information by the Corporation Counsel of the District of Columbia or any of his assistants.

(b) Regulations authorized to be promulgated under this section shall be promulgated by the Capitol Police Board and such regulations may be amended from time to time by the Capitol Police Board whenever it shall deem it necessary: *Provided*, That until such regulations are promulgated and become effective, the traffic regulations of the Distict of Columbia shall be applicable to the United States Capitol Grounds. 547.2

547.3 (c) All regulations promulgated under the authority of this section shall, when adopted by the Capitol Police Board, be printed in one or more of the daily newspapers published in the District of Columbia, and shall not become effective until the expiration of ten days after the date of such publication, except that whenever the Capitol Police Board deems it advisable to make effective immediately any regulation relating to parking, diverting of vehicular traffic, or the closing of streets to such traffic, the regulation shall be effective immediately upon placing at the point where it is to be in force conspicuous signs containing a notice of the regulation. Any expenses incurred under this subsection shall be payable from the appropriation "Uniforms and Equipment, Capitol Police".

547.4 (d) It shall be the duty of the Commissioners of the District of Columbia, or any officer or employee of the government of the District of Columbia designated by said Commissioners, upon request of the Capitol Police Board, to cooperate with the Board in the preparation of the regulations authorized to be promulgated under this section, and any future amendments thereof. (July 31, 1946, ch. 707, § 14, 60 Stat. 720; July 11, 1947, ch. 211, §§ 1, 2, 61 Stat. 308; July 8, 1963, Pub. L. 88-60, 77 Stat. 78; Dec. 24, 1973, Pub. L. 93-198, Title VII, § 739(g)(6), 87 Stat. 829.)

548 § 213a. Capitol Police Board to detail police for grounds.

The Capitol Police Board is authorized to detail police from the House Office, Senate Office, and Capitol Buildings for police duty on the Capitol Grounds. (July 31, 1958, Pub. L. 85-570, 72 Stat. 453.)

NOTE

Similar provision has appeared in Legislative Appropriation Acts since 1938.

549 § 214. Protection of grounds.

It shall be the duty of the Capitol police to prevent any portion of the Capitol Grounds and terraces from being used as playgrounds or otherwise, so far as may be necessary to protect the public property, turf and grass from destruction or injury. (Apr. 29, 1876, ch. 86, 19 Stat. 41.)

549.1 § 214a. Temporary use of Capitol Grounds for recreational purposes.

Notwithstanding the provisions of sections 193a-193i, and 214 of this title, the Architect of the Capitol is authorized to permit the Board of Commissioners of the District of Columbia to operate for recreational purposes only, and without any improvement to said land, that part of the United States Capitol Grounds known as Square 732 in the District of Columbia, bounded by Independence Avenue, S.E., Second Street, S.E., C Street, S.E., and First Street, S.E. and intersected by Carroll Street, for such period of time as said land is not required for building or other purposes by the Architect of the Capitol. (Oct. 29, 1966, Pub. L. 89-698, § 401, 80 Stat. 1072.)

549.2 § 214b. Designation of Capitol grounds as play area for children of Members and employees of Senate or House of Representatives

(a) Authority of Capitol Police Board.

Notwithstanding any other provision of law and subject to the provisions of paragraph (1) of subsection (b) of this section, the Capitol Police Board is authorized to designate certain portions of the Capitol grounds (other than a portion within the area bounded on the North by Constitution Avenue, on the South by Independence Avenue, on the East by First Street, and on the West by First Street) for use exclusively as play areas for the benefit of children attending a day care center which is established for the primary purpose of providing child care for the children of Members and employees of the Senate or the House of Representatives.

(b) Required approval; fences; termination of authority.

(1) In the case of any such designation referred to in subsection (a) of this section involving a day care center established for the benefit of children of Members and employees of the Senate, the designation shall be with the approval of the Senate Committee on Rules and Administration, and in the case of such a center established for the benefit of children of Members and employees of the House of Representatives, the designation shall be with the approval of the House Committee on House Administration, with the concurrence of the House Office Building Commission.

(2) The Architect of the Capitol shall enclose with a fence any area designated pursuant to subsection (a) of this section as a play area.

(3) The authority to use an area designated pursuant to subsection (a) of this section as a play area may be terminated at any time by the Committee which approved such designation.

(c) Playground equipment; required approval.

Nothing in this or any other Act shall be construed as prohibiting any day care center referred to in subsection (a) of this section from placing playground equipment within an area designated pursuant to subsection (a) of this section for use solely in connection with the operation of such center, subject to, in the case of a day care center established for the benefit of children of Members and employees of the Senate, the approval of the Senate Committee on Rules and Administration, and in the case of such a center established for the benefit of children of Members and employees of the House of Representatives, the approval of the House Committee on House Administration, with the concurrence of the House Office Building Commission.

(d) Day care center.

The day care center referred to in S.Res. 269, Ninety-eighth Congress, first session, is a day care center for which space may be designated under subsection (a) of this section for use as a play area. (Pub. L. 98-392, § 3, Aug. 21, 1984, 98 Stat. 1362.)

§ 215. Supervision of Botanical Garden.

The supervision of the Capitol police shall extend over the Botanical Garden. (R.S. § 1826.)

§ 216. Superintendent, etc., of Botanical Garden and greenhouses. 551

There shall be a superintendent and assistants in the Botanical Garden and greenhouses, who shall be under the direction of the Joint Committee on the Library. (R.S. § 1827.)

§ 216a. Restriction on use of appropriation for Botanic Garden. 552

On and after July 31, 1958, no part of any appropriation for the Botanic Garden shall be used for the distribution, by congressional allotment, of trees, plants, shrubs, or other nursery stock. (July 31, 1958, Pub. L. 85–570, § 101, 72 Stat. 450.)

553 **§ 223. Capitol Grounds shuttle service; purchase, etc., of vehicles.**

Funds appropriated for the Capitol Grounds after October 1, 1976, shall be available for the purchase or rental, maintenance and operation of passenger motor vehicles to provide shuttle service for Members and employees of Congress to and from the buildings in the Legislative group. (Pub. L. 94-440, Title VI, § 601, Oct. 1, 1976, 90 Stat. 1453.)

Chapter 18.—NATIONAL VISITOR CENTER FACILITIES

Subchapter I.—National Visitor Center

554 **§ 801. National Visitor Center; designation; parking facility; authorization of agreements and leases for use of Union Station.**

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NOTE

Capitol Grounds; Erection of Flagpoles and Improvement of Traffic. Pub. L. 94-320, June 25, 1976, 90 Stat. 711, provided:

That, subject to the approval of the Architect of the Capitol and to such conditions as he may prescribe, the Secretary of the Interior is authorized to make such use of that portion of the United States Capitol Grounds adjacent or in close proximity to the sidewalks abutting the circular perimeter of the Union Station Plaza in front of Columbus Plaza and the National Visitor Center as may be necessary to enable the Secretary of the Interior to erect and maintain flagpoles to fly the flags of each of the States of the United States and its territories and possessions, generally as shown on NCPC Map File Numbered 1.11 (38.00)–27861.

SEC. 2. (a) Notwithstanding any other provision of law, the Architect of the Capitol is authorized, subject to the provisions of this Act and to such conditions as the Architect of the Capitol may prescribe, to enter into an agreement with the appropriate officials of the government of the District of Columbia pursuant to which the Architect of the Capitol is authorized to permit the government of the District of Columbia to utilize certain areas of the United States Capitol Grounds for the purpose of making certain street changes in order to coordinate and improve the flow of traffic to and from the United States Capitol Grounds and the National Visitor Center (formerly Union Station), and the flow of traffic within Union Station Plaza.

(b) Pursuant to such agreement, the Architect of the Capitol is authorized to make available to the government of the District of Columbia, for the purposes referred to in subsection (a), certain portions of the United States Capitol Grounds as follows:

(1) approximately two thousand one hundred square feet of land in Square 680, at the east end thereof, located within the United States Capitol Grounds adjacent to the Union Station Plaza, Massachusetts Avenue, and E Street Northeast, in order to enable the government of the District of Columbia to carry out the purposes referred to in subsection (a) of this section, and to change the curbline, and relocate existing sidewalks and curbs, to conform to such street change;

(2) approximately three thousand five hundred square feet of land in Square 723, at the northwest end thereof, located within the United States Capitol Grounds adjacent to the Union Station Plaza, First Street, and Massachusetts Avenue Northeast, in order to enable the government of the District of Columbia to carry out the purposes referred to in subsection (a) of this section, and to change the curbline, and relocate existing sidewalks and curbs, to conform to such street change; and

(3) approximately four hundred square feet of land in Square 721, at the southwest end thereof, located within the United States Capitol Grounds adjacent to the Union Station Plaza and Massachusetts Avenue Northeast, in order to enable the government of the District of Columbia to carrry out the purposes referred to in subsection (a) of this section, and to change the curbline, and relocate existing sidewalks and curbs, to conform to such street change.

SEC. 3. Nothing in this Act shall be construed to grant to the Secretary of the Interior or to the government of the District of Columbia any right, title, or interest in or to any part of the United States Capitol Grounds and such area affected by this Act or any agreement pursuant thereto shall continue to be a part of the United States Capitol Grounds. All areas of the United States Capitol Grounds, including sidewalks, lawns and other growth, streets, and curblines, disturbed by reason of operations pursuant to this Act shall be promptly relocated or restored by the Secretary of the Interior or the government of the District of Columbia, as the case may be, in a manner approved by, and satisfactory to the Architect of the Capitol.

SEC. 4. The Congress shall not incur any expense, liability, obligation, or other responsibility (operational or otherwise), under or by reason of this Act, or any agreement pursuant to this Act, or be liable under any claim or any nature or kind that may arise from either the construction, operation, or maintenance of the flagpoles authorized by this Act, or from carrying out any agreement pursuant to this Act.

Subchapter III.—Capitol Visitor Center

§ 831. Capitol educational and information center and information and distribution stations; operation agreements. 556

Notwithstanding any other provision of law, the Architect of the Capitol, in consultation with the House Office Building Commission and the Senate Office Building Commission, is hereby authorized and directed to provide adequate space and facilities in the Capitol Building for an educational and informational center and information and distribution stations to afford visitors to the Capitol Building an opportunity to acquire (1) information relative to Congressional offices, (2) assistance relative to their visit to the Capitol, (3) pamphlets, books, drawings, slides and photographs, and related materials, and (4) information about the Capitol and the history of the Capitol Building and past and present Congresses. All materials distributed by such educational and informational center and such stations shall first be approved by the Architect of the Capitol, after consultation with the House Committee on House Administration, the Senate Committee on Rules and Administration, the United States Capitol Historical Society, and such other educational and historical groups as the Architect of the Capitol deems appropriate. The Architect of the Capitol is hereby authorized to enter into such agreements as may be reasonably necessary to operate such educational and informational center and stations. (Mar. 12, 1968, Pub. L. 90-264, § 301, 82 Stat. 46.)

Subchapter IV.—Capitol Guide Service

558 **§ 851. Capitol Guide Service.**

558.1 (a) There is hereby established an organization under the Congress of the United States, to be designated the "Capitol Guide Service", which shall be subject to the direction, supervision, and control of a Capitol Guide Board consisting of the Architect of the Capitol, the Sergeant at Arms of the Senate, and the Sergeant at Arms of the House of Representatives.

558.2 (b) The Capitol Guide Service is authorized and directed to provide guided tours of the interior of the United States Capitol Building for the education and enlightenment of the general public, without charge for such tours. All such tours shall be conducted in compliance with regulations prescribed by the Capitol Guide Board.

558.3 (c) The Capitol Guide Board is authorized—

(1) with the prior approval of the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives, to establish and revise such number of positions of Guide in the Capitol Guide Service as the Board considers necessary to carry out effectively the activities of the Capitol Guide Service;

(2) to appoint, on a permanent basis, without regard to political affiliation, and solely on the basis of fitness to perform their duties, a Chief Guide, a Deputy Chief Guide, and an Assistant Chief Guide, and, in addition, such number of Guides as may be authorized under subparagraph (1) of this subsection;

(3) to prescribe their duties and responsibilities;

(4) with the prior approval of the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives, to fix, and adjust from time to time, their respective rates of pay at single per annum (gross) rates; and

(5) to terminate their employment as the Board considers appropriate.

558.4 (d) The Capitol Guide Board shall—

(1) prescribe a uniform dress, including appropriate insignia, which shall be worn by personnel of the Capitol Guide Service when on duty; and

(2) from time to time, as may be necessary, procure and furnish such uniforms to such personnel without charge to such personnel.

558.5 (e) An employee of the Capitol Guide Service shall not charge or accept any fee, or accept any gratuity, for or on account of his official services.

558.6 (f) The Capitol Guide Board may detail personnel of the Capitol Guide Service to assist the United States Capitol Police by providing ushering and informational services, and other services not directly involving law enforcement, in connection with the inauguration of the President and

Vice President of the United States, the official reception of representatives of foreign nations and other persons by the Senate or House of Representatives, and other special or ceremonial occasions in the United States Capitol Building or on the United States Capitol Grounds which require the presence of additional Government personnel and which cause the temporary suspension of the performance of the regular duties of the Capitol Guide Service.

(g) The Capitol Guide Board may receive and consider advice and information from any private historical or educational organization, association, or society with respect to those operations of the Capitol Guide Service which involve the furnishing of historical and educational information to the general public. 558.7

(h) With the prior approval of the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives, the Capitol Guide Board shall prescribe such regulations as the Board considers necessary and appropriate for the operation of the Capitol Guide Service. 558.8

(i) The Capitol Guide Board may take appropriate disciplinary action, including, when circumstances warrant, suspension from duty without pay, reduction in pay, demotion, or removal from employment with the Capitol Guide Service, against any employee who violates any provision of this section or any regulation prescribed by the Board pursuant to this section. 558.9

(j) The expenses of the Capitol Guide Service shall be paid from the contingent fund of the House of Representatives, until appropriations are available for the payment of such expenses. (Oct. 26, 1970, Pub. L. 91-510, § 441, 84 Stat. 1190; Aug. 5, 1977, Pub. L. 95-94, Title I, § 115, 91 Stat. 671.) 558.10

Subchapter V.—National Capital Memorials and Commemorative Works

Congressional authorization of commemorative works; consultation with National Capital Memorial Commission. 559

§ 1001. Purposes. 559.1

The purposes of this Act are as follows:

(a) to preserve the integrity of the comprehensive design of the L'Enfant and McMillan plans for the Nation's Capital;

(b) to ensure the continued public use and enjoyment of open space in the District of Columbia;

(c) to preserve, protect and maintain the limited amount of open space available to residents of, and visitors to, the Nation's Capital; and

(d) to ensure that future commemorative works in areas administered by the National Park Service and the General Services Administration in the District of Columbia and its environs (1) are appropriately designed, constructed, and located and (2) reflect a consensus of the lasting national significance of the subjects involved. (Pub. L. 99-652, § 1, Nov. 14, 1986, 100 Stat. 3650.)

559.2 **§ 1002. Definitions.**

As used in this Act—

(a) the term "Secretary" means the Secretary of the Interior;

(b) the term "Administrator" means the Administrator of the General Services Administration;

(c) the term "commemorative work" means any statue, monument, sculpture, memorial, or other structure or landscape feature, including a garden or memorial grove, designed to perpetuate in a permanent manner the memory of a person, group, event or other significant element of history. The term does not include any such item which is located within the interior of a structure or a structure which is primarily used for other purposes;

(d) the term "person" means an individual, group or organization authorized by Congress to establish a commemorative work in the District of Columbia and its environs;

(e) notwithstanding any other provision of law, the term "the District of Columbia and its environs" means those lands and properties administered by the National Park Service and the General Services Administration located in Areas I and II as depicted on the map numbered 869/86501, and dated May 1, 1986.

(Pub. L. 99-652, § 2, Nov. 14, 1986, 100 Stat. 3650.)

559.3 **§ 1003. Congressional authorization of commemorative works; consultation with National Capital Memorial Commission.**

(a) No commemorative work may be established in the District of Columbia and its environs unless specifically authorized by law. All such authorized commemorative works shall be subject to applicable provisions of this chapter.

(b) In considering legislation authorizing commemorative works within the District of Columbia and its environs, the Committee on House Administration of the House of Representatives and the Energy and Natural Resources Committee of the Senate shall solicit the views of the National Capital Memorial Commission. (Pub. L. 99-652, § 3, Nov. 14, 1986, 100 Stat. 3651, amended Pub. L. 100-202, § 101(f) [Title II, § 3], Dec. 22, 1987, 101 Stat. 1329-196; Pub. L. 100-230, § 3, Jan. 5, 1988, 101 Stat. 1564.)

559.4 **§ 1004. National Capital Memorial Commission, redesignation of Advisory Committee as; membership; duty to advise on policy and procedure.**

(a) The National Capital Memorial Advisory Committee as established by the Secretary is redesignated as the National Capital Memorial Commission. The membership of the Commission shall be expanded to include:

Director, National Park Service (Chairman)
Architect of the Capitol
Chairman, American Battle Monuments Commission
Chairman, Commission of Fine Arts
Chairman, National Capital Planning Commission
Mayor, District of Columbia
Commissioner, Public Building Service, General Services Administration
Secretary, Department of Defense

(b) The National Capital Memorial Commission shall advise the Secretary and the Administrator on policy and procedures for establishment of (and proposals to establish) commemorative works in the District of Columbia and its environs, as well as such other matters concerning commemorative works in the Nation's Capital as it may deem appropriate. The Commission shall meet at least twice annually. (Pub. L. 99-652, § 4, Nov. 14, 1986, 100 Stat. 3651.)

§ 1005. Availability of map for public inspection. 559.5

The Secretary and the Administrator shall make available, for public inspection at appropriate offices of the National Park Service and the General Services Administration, the map numbered 869/86501, and dated May 1, 1986. (Pub. L. 99-652, § 5, Nov. 14, 1986, 100 Stat. 3651.)

§ 1006. Specific conditions applicable to Areas I and II. 559.6

(a) AREA I.—The conditions set forth in subsection (b) shall apply to the location of a commemorative work in Area I or in Area II. In addition, the Secretary or Administrator (as appropriate) may approve the location of a commemorative work in Area I only if he finds that the subject of the commemorative work is of preeminent historical and lasting significance to the Nation. The Secretary or Administrator (as appropriate) shall notify, after consultation with the National Capital Memorial Commission, the Congress of his determination that a commemorative work should be located in Area I. The location of a commemorative work in Area I shall be deemed disapproved, unless, not later than 150 days after such notification, the location is approved by law.

(b) AREA II.—Commemorative works of subjects of lasting historical significance may be located in Area II, subject to the following conditions:

(1) A military commemorative work may be established in Area II only to commemorate a war or similar major military conflict or to commemorate any branch of the Armed Forces. No commemorative work commemorating a lesser conflict or a unit of an Armed Force shall be permitted in Area II.

(2) A commemorative work commemorating an individual or group of individuals, other than a military commemorative work as described in subsection (b)(1) of this section, shall not be permitted in Area II until at least twenty-five years after the death of the individual or the last surviving member of the group.

(3) A commemorative work other than a work referred to in paragraph (1) or (2) may be constructed in Area II only to commemorate a subject of lasting historical significance. (Pub. L. 99-652, § 6, Nov. 14, 1986, 100 Stat. 3651.)

§ 1007. Site and design approval. 559.7

(a) Any person authorized by law to establish a commemorative work in the District of Columbia and its environs shall comply with each of the following requirements before commencing construction of the commemorative work:

(1) Such person shall consult with the National Capital Memorial Commission regarding the commemorative work. Such consultation shall include consideration of potential sites in the District of Columbia and its environs.

(2) Following consultation in accordance with paragraph (1), the Secretary or Administrator (as appropriate) shall submit, on behalf of such person, site and design proposals to the Commission of Fine Arts and the National Capital Planning Commission and the Secretary or Administrator (as appropriate) for their approval.

(b) In considering site and design proposals, the Commission of Fine Arts, the National Capital Planning Commission and the Secretary and Administrator shall be guided by the following criteria:

(1) to the maximum extent possible, a commemorative work shall be located in surroundings that are relevant to the subject of the commemorative work;

(2) a commemorative work shall be so located as to prevent interference with, or encroachment upon, any existing commemorative work and to protect, to the maximum extent practicable, open space and existing public use; and

(3) a commemorative work shall be constructed of durable material suitable to the outdoor environment. Landscape features of commemorative works shall be compatible with the climate.

(Pub. L. 99-652, § 7, Nov. 14, 1986, 100 Stat. 3652.)

559.8 § 1008. Criteria for issuance of construction permit.

(a) Prior to issuing a permit for the construction of a commemorative work in the District of Columbia and its environs, the Secretary or Administrator (as appropriate) shall determine that:

(1) the site and design have been approved by the Secretary or Administrator (as appropriate), the National Capital Planning Commission and the Commission of Fine Arts;

(2) knowledgeable persons qualified in the field of preservation and maintenance have been consulted to determine structural soundness and durability of the commemorative work, and to assure that the commemorative work meets high professional standards;

(3) the person authorized to construct the commemorative work has submitted contracts for construction and drawings of the commemorative work to the Secretary or Administrator (as appropriate); and

(4) the person authorized to construct the commemorative work has available sufficient funds to complete construction of the project.

(b) In addition to the foregoing criteria, no construction permit shall be issued unless the person authorized to construct the commemorative work has donated an amount equal to 10 per centum of the total estimated cost of construction to offset the costs of perpetual maintenance and preservation of the commemorative work: *Provided*, That the provisions of this subsection shall not apply in instances when the commemorative work is constructed by a Department or agency of the Federal Government and less than 50 per centum of the funding for such work is provided by private sources.

(1) Notwithstanding any other provision of law, all moneys provided by persons for maintenance pursuant to this subsection shall be credited to a separate account in the Treasury.

(2) Congress authorizes and directs that the Secretary of the Treasury shall make all or a portion of such moneys available to the Secretary or the Administrator at his request for maintenance of commemorative works. Under no circumstances may the Secretary

or Administrator request funds from the separate account exceeding the total moneys deposited by persons establishing commemorative works in areas he administers. The Secretary and the Administrator shall maintain an inventory of funds available for such purposes: *Provided*, That such moneys shall not be subject to annual appropriations.

(Pub. L. 99-652, § 8, Nov. 14, 1986, 100 Stat. 3652.)

§ 1009. Temporary site designation. 559.9

(a) If the Secretary, in consultation with the National Capital Memorial Commission, determines that a site where commemorative works may be displayed on a temporary basis is necessary in order to aid in the preservation of the limited amount of open space available to residents of, and visitors to, the Nation's Capital, he may designate such a site on lands administered by him in the District of Columbia. A designation may not be made under the preceding sentence unless, at least one hundred and twenty days before the designation, the Secretary, in consultation with the National Capital Memorial Commission, prepares and submits to the Congress a plan for the site. The plan shall include specifications for the location, construction, and administration of the site, and criteria for displaying commemorative works at the site.

(b) Any commemorative work displayed at the site shall be installed, maintained, and removed at the sole expense and risk of the person authorized to display the commemorative works. Such person shall agree to indemnify the United States for any liability arising from the display of the commemorative work under this section. (Pub. L. 99-652, § 9, Nov. 14, 1986, 100 Stat. 3653.)

§ 1010. Miscellaneous provisions. 559.10

(a) Documentation of design and construction to Secretary or Administrator.

Complete documentation of design and construction of each commemorative work located in the District of Columbia and its environs shall be provided to the Secretary or the Administrator (as appropriate) and shall be permanently maintained in the manner provided by law.

(b) Expiration of legislative authority for commemorative work.

Any legislative authority for a commemorative work shall expire at the end of the five-year period beginning on the date of the enactment of such authority unless the Secretary or Administrator (as appropriate) has issued a construction permit for the commemorative work during that period.

(c) Responsibility for maintenance of completed work.

Upon completion of any commemorative work within the District of Columbia and its environs, the Secretary or Administrator (as appropriate) shall assume responsibility for the maintenance of such work.

(d) Promulgation and publication of regulations.

The Secretary and the Administrator shall promulgate appropriate regulations to carry out this Act. The regulations shall be published in the Federal Register within one hundred and twenty days after the enactment of this Act.

(e) Commemorative works to which applicable.

This Act shall not apply to commemorative works authorized by a law enacted before the commencement of the Ninety-ninth Congress. (Pub. L. 99–652, § 10, Nov. 14, 1986, 100 Stat. 3654.)

TITLE 41.—PUBLIC CONTRACTS

Chapter 1.—GENERAL PROVISIONS

§ 6a-1. Architect of the Capitol, exception from advertisement requirement. 560

On and after July 27, 1965, the purchase of supplies and equipment and the procurement of services for all branches under the Architect of the Capitol may be made in the open market without compliance with section 5 of this title in the manner common among businessmen, when the aggregate amount of the purchase or the service does not exceed $25,000 in any instance. (As amended Pub. L. 93-856, § 2, July 25, 1974, 88 Stat. 390, Pub. L. 98-191 § 9(c), Dec. 1, 1983, 98 Stat. 1332.)

§ 6a-2. Architect of the Capitol, authority for personal services contracts with legal entities. 560.1

Notwithstanding any other provision of law, the Architect of the Capitol is authorized to contract for personal services with any firm, partnership, corporation, association, or other legal entity in the same manner as he is authorized to contract for personal services with individuals under the provisions of section 5 of this title. (Pub. L. 96-558, Dec. 19, 1980, 94 Stat. 3263.)

§ 22. Interest of Member of Congress. 561

In every contract or agreement to be made or entered into, or accepted by or on behalf of the United States, there shall be inserted an express condition that no Member of or Delegate to Congress shall be admitted to any share or part of such contract or agreement, or to any benefit to arise thereupon. Nor shall the provisions of this section apply to any contracts or agreements heretofore or hereafter entered into under the Agricultural Adjustment Act, the Federal Farm Loan Act, the Emergency Farm Mortgage Act of 1933, the Federal Farm Mortgage Corporation Act, the Farm Credit Act of 1933, and the Home Owners' Loan Act of 1933, and shall not apply to contracts or agreements of a kind which the Secretary of Agriculture may enter into with farmers: *Provided*, That such exemption shall be made a matter of public record. (R.S. § 3741; Feb. 27, 1877, ch. 69, § 1, 19 Stat. 249; Jan. 25, 1934, ch. 5, 48 Stat. 337; June 27, 1934, ch. 847, Title V, § 510, 48 Stat. 1264; Aug. 26, 1937, ch. 821, 50 Stat. 838.)

Note

Section 903 of the Supplemental Appropriations Act, 1983, provided the following:

Sec. 903. (a) Notwithstanding any provision to the contrary in any contract which is entered into by any person and either the Administrator of General Services or a contracting officer of any executive agency and under which such person agrees to sell or lease to the Federal Government (or any one or more entities thereof) any unit of property, supplies, or services at a specified price or under specified terms and conditions (or both), such person may sell or lease to the Congress the same type of such property, supplies, or services at a unit price or under terms and conditions (or both) which are different from those specified in such contract; and any such sale or lease of any unit or units of such property, supplies, or services to the Congress shall not be taken into account for the purpose of determining the price at which, or the terms and conditions under which, such person is obligated under such contract to sell or lease any unit of such property, supplies, or services to any entity of the Federal Government other than the Congress. For purposes of the preceding sentence, any sale or lease of property, supplies, or services to the Senate (or any office or instrumentality thereof), or to the House of Representatives (or any office or instrumentality thereof) shall be deemed to be a sale or lease of such property, supplies, or services to the Congress.

(b) The provisions of this section shall take effect with respect to sales or leases of property, supplies, or services to the Congress after July 29, 1983.

TITLE 42.—THE PUBLIC HEALTH AND WELFARE

Chapter 23.—DEVELOPMENT AND CONTROL OF ATOMIC ENERGY

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Subchapter XVI.—Joint Committee on Atomic Energy

§ 2258. Joint Committee on Atomic Energy abolished. 565

(a) The Joint Committee on Atomic Energy is abolished.

(b) Any reference in any rule, resolution, or order of the Senate or the House of Representatives or in any law, regulation, or Executive order to the Joint Committee on Atomic Energy shall, on and after the date of enactment of this section, be considered as referring to the committees of the Senate and the House of Representatives which, under the rules of the Senate and the House, have jurisdiction over the subject matter of such reference.

(c) All records, data, charts, and files of the Joint Committee on Atomic Energy are transferred to the committees of the Senate and House of Representatives which, under the rules of the Senate and the House, have jurisdiction over the subject matters to which such records, data, charts, and files relate. In the event that any record, data, chart, or file shall be within the jurisdiction of more than one committee, duplicate copies shall be provided upon request. (Sept. 20, 1977, Pub. L. 95-110, § 1, 91 Stat. 884.)

§ 2259. Information and assistance to Congressional committees 566

(a) The Secretary of Energy and the Nuclear Regulatory Commission shall keep the committees of the Senate and the House of Representatives which, under the rules of the Senate and the House, have jurisdiction over the functions of the Secretary or the Commission, fully and currently informed with respect to the activities of the Secretary and the Commission.

(b) The Department of Defense and Department of State shall keep the committees of the Senate and the House of Representatives which, under the rules of the Senate and the House, have jurisdiction over national security considerations of nuclear energy, fully and currently informed with respect to such matters within the Department of Defense and Department of State relating to national security considerations of nuclear technology which are within the jurisdiction of such committees.

(c) Any Government agency shall furnish any information requested by the committees of the Senate and the House of Representatives which, under the rules of the Senate and the House, have jurisdiction over the development, utilization, or application of nuclear energy, with respect to the activities or responsibilities of such agency in the field of nuclear energy which are within the jurisdiction of such committees.

(d) The committees of the Senate and the House of Representatives which, under the rules of the Senate, and the House, have jurisdiction over the development, utilization, or application of nuclear energy, are authorized to utilize the services, information, facilities, and personnel of any Government agency which has activities or responsibilities in the field of nuclear energy which are within the jurisdiction of such committees: *Provided, however,* That any utilization of personnel by such committees shall be on a reimbursable basis and shall require, with respect to committees of the Senate, the prior written consent of the Committee on Rules and Administration, and with respect to the committees of the House of Representatives, the prior written consent of the Committee on House Administration. (Sept. 20, 1977, Pub. L. 95-110, § 1, 91 Stat. 884.)

TITLE 44.—PUBLIC PRINTING AND DOCUMENTS

Chapter 1.—JOINT COMMITTEE ON PRINTING

§ 101. Joint Committee on Printing: membership. 600

The Joint Committee on Printing shall consist of the chairman and four members of the Committee on Rules and Administration of the Senate and the chairman and four members of the Committee on House Administration of the House of Representatives. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1238; Feb. 17, 1981, Pub. L. 97-4, 95 Stat. 6.)

§ 102. Joint Committee on Printing: succession; powers during recess. 601

The members of the Joint Committee on Printing who are reelected to the succeeding Congress shall continue as members of the committee until their successors are chosen. The President of the Senate and the Speaker of the House of Representatives shall, on the last day of a Congress, appoint members of their respective Houses who have been elected to the succeeding Congress to fill vacancies which may then be about to occur on the Committee, and the appointees and members of the Committee who have been reelected shall continue until their successors are chosen.

When Congress is not in session, the Joint Committee may exercise all its powers and duties as when Congress is in session. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1238.)

§ 103. Joint Committee on Printing: remedial powers. 602

The Joint Committee on Printing may use any measures it considers necessary to remedy neglect, delay, duplication, or waste in the public printing and binding and the distribution of Government publications. (Oct. 2, 1968, Pub. L. 90-620, 82 Stat. 1239.)

Chapter 3.—GOVERNMENT PRINTING OFFICE

§ 301. Public Printer: appointment. 603

The President of the United States shall nominate and, by and with the advice and consent of the Senate, appoint a suitable person, who must be a practical printer and versed in the art of bookbinding, to take charge of and manage the Government Printing Office. His title shall be Public Printer. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1239; June 6, 1972, Pub. L. 92-310, § 210(a) (1), (2), 86 Stat. 204.)

§ 302. Deputy Public Printer: appointment; duties. 604

The Public Printer shall appoint a suitable person, who must be a practical printer and versed in the art of bookbinding, to be the Deputy Public Printer. He shall perform the duties formerly required of the chief clerk, supervise the buildings occupied by the Government Printing Office, and perform any other duties required of him by the Public Printer. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1239.)

605 **§ 303. Public Printer and Deputy Public Printer: pay.**

The annual rate of pay for the Public Printer shall be a rate which is equal to the rate for level IV of the Executive Schedule of subchapter II of chapter 53 of title 5. The annual rate of pay for the Deputy Public Printer shall be a rate which is equal to the rate for level V of such Executive Schedule. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1239; Aug. 9, 1975, Pub. L. 94-82, § 204(c)(1), 89 Stat. 421.)

606 **§ 304. Public Printer: vacancy in office.**

In case of the death, resignation, absence, or sickness of the Public Printer, the Deputy Public Printer shall perform the duties of the Public Printer until a successor is appointed or his absence or sickness ceases; but the President may direct any other officer of the Government, whose appointment is vested in the President by and with the advice and consent of the Senate, to perform the duties of the vacant office until a successor is appointed, or the sickness or absence of the Public Printer ceases. A vacancy occasioned by death or resignation may not be filled temporarily under this section for longer than ten days, and a temporary appointment, designation, or assignment of another officer may not be made except to fill a vacancy happening during a recess of the Senate. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1240.)

607 **§ 305. Public Printer: employees; pay.**

(a) The Public Printer may employ journeymen, apprentices, laborers, and other persons necessary for the work of the Government Printing Office at rates of wages and salaries, including compensation for night and overtime work, he considers for the interest of the Government and just to the persons employed, except as otherwise provided by this section. He may not employ more persons than the necessities of the public work require nor more than four hundred apprentices at one time. The minimum pay of journeymen printers, pressmen, and bookbinders employed in the Government Printing Office shall be at the rate of 90 cents an hour for the time actually employed. Except as provided by the preceding part of this section the rate of wages, including compensation for night and overtime work, for more than ten employees of the same occupation shall be determined by a conference between the Public Printer and a committee selected by the trades affected, and the rates and compensation so agreed upon shall become effective upon approval by the Joint Committee on Printing. When the Public Printer and the committee representing a trade fail to agree as to wages, salaries, and compensation, either party may appeal to the Joint Committee on Printing, and the decision of the Joint Committee is final. The wages, salaries, and compensation so determined are not subject to change oftener than once a year.

(b) The Public Printer may grant an employee paid on an annual basis compensatory time off from duty instead of overtime pay for overtime work. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1240; Dec. 26, 1969, Pub. L. 91-167, 83 Stat. 453; July 31, 1970, Pub. L. 91-369, 84 Stat. 693.)

Chapter 5.—PRODUCTION AND PROCUREMENT OF PRINTING AND BINDING

§ 501. Government printing, binding, and blank-book work to be done at Government Printing Office. 608

All printing, binding, and blank-book work for Congress, the Executive Office, the Judiciary, other than the Supreme Court of the United States, and every executive department, independent office and establishment of the Government, shall be done at the Government Printing Office, except—

(1) classes of work the Joint Committee on Printing considers to be urgent or necessary to have done elsewhere; and

(2) printing in field printing plants operated by an executive department, independent office or establishment, and the procurement of printing by an executive department, independent office or establishment from allotments for contract field printing, if approved by the Joint Committee on Printing.

Printing or binding may be done at the Government Printing Office only when authorized by law. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1243.)

§ 502. Procurement of printing, binding, and blank-book work by Public Printer. 609

Printing, binding, and blank-book work authorized by law, which the Public Printer is not able or equipped to do at the Government Printing Office, may be produced elsewhere under contracts made by him with the approval of the Joint Committee on Printing. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1243.)

§ 506. Time for printing documents or reports which include illustrations or maps. 610

A document or report to be illustrated or accompanied by maps may not be printed by the Public Printer until the illustrations or maps designed for it are ready for publication. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1244.)

§ 507. Orders for printing to be acted upon within one year. 611

An order for public printing may not be acted upon by the Public Printer after the expiration of one year unless the entire copy and illustrations for the work have been furnished within that period. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1244.)

§ 508. Annual estimates of quantity of paper required for public printing and binding. 612

At the beginning of each session of Congress, the Public Printer shall submit to the Joint Committee on Printing estimates of the quantity of paper of all descriptions required for the public printing and binding during the ensuing year. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1244.)

Chapter 7.—CONGRESSIONAL PRINTING AND BINDING

613 § 701. "Usual number" of documents and reports; distribution of House and Senate documents and reports; binding; reports on private bills; number of copies printed; distribution.[1]

(a) The order by either House of Congress to print a document or report shall signify the "usual number" of copies for binding and distribution among those entitled to receive them. A greater number may not be printed unless ordered by either House, or as provided by this section. When a special number of a document or report is ordered printed, the usual number shall also be printed, unless already ordered.

(b) The "usual number" of documents and reports shall be one thousand six hundred and eighty-two copies, which shall be printed at one time and distributed as follows:

Of the House documents and reports, unbound—to the Senate document room, one hundred and fifty copies; to the office of the Secretary of the Senate, ten copies; to the House document room, not to exceed five hundred copies; to the office of the Clerk of the House of Representatives, twenty copies; to the Library of Congress, ten copies, as provided by section 1718 of this title.

Of the Senate documents and reports, unbound—to the Senate document room, two hundred and twenty copies; office of the Secretary of the Senate, ten copies; to the House document room, not to exceed five hundred copies; to the Clerk's office of the House of Representatives, ten copies; to the Library of Congress, ten copies, as provided by section 1718 of this title.

(c) Of the number printed, the Public Printer shall bind a sufficient number of copies for distribution as follows:

Of the House documents and reports, bound—to the Senate library, fifteen copies; to the Library of Congress, not to exceed one hundred and fifty copies, as provided by section 1718 of this title; to the House of Representatives library, fifteen copies; to the Superintendent of Documents, as many copies as are required for distribution to the State libraries and designated depositories.

Of the Senate documents and reports, bound—to the Senate library, fifteen copies; to the Library of Congress, copies as provided by sections 1718 and 1719 of this title; to the House of Representatives library, fifteen copies; to the Superintendent of Documents, as many copies as may be required for distribution to State libraries and designated depositories. In binding documents the Public Printer shall give precedence to those that are to be distributed to libraries and to designated depositories. But a State library or designated depository entitled to documents that may prefer to have its documents in unbound form, may do so by notifying the Superintendent of Documents to that effect prior to the convening of each Congress.

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[1] The number of copies to be printed or the distribution thereof as specified in sections 701, 706, 713, 721, 723, 726, 906, 1339, and 1718 of title 44, United States Code, have been changed by the Joint Committee on Printing under authority of section 103 of title 44 (Senate Manual section **602**), or as a result of sequestrations of funds mandated by Pub. L. 99-177, the Balanced Budget and Emergency Deficit Control Act of 1985. For current regulations, consult the Joint Committee on Printing.

(d) The usual number of reports on private bills, concurrent or simple resolutions, may not be printed. Instead there shall be printed of each Senate report on a private bill, simple or concurrent resolution, in addition to those required to be furnished the Library of Congress, three hundred and forty-five copies, which shall be distributed as follows: to the Senate document room, two hundred and twenty copies; to the Secretary of the Senate, fifteen copies; to the House document room, one hundred copies; to the Superintendent of Documents, ten copies; and of each House report on a private bill, simple or concurrent resolution, in addition to those for the Library of Congress, two hundred and sixty copies, which shall be distributed as follows: to the Senate document room, one hundred and thirty-five copies; to the Secretary of the Senate, fifteen copies; to the House document room, one hundred copies; to the Superintendent of Documents, ten copies.

This section does not prevent the binding of all Senate and House reports in the reserve volumes bound for and delivered to the Senate and House libraries, nor abridge the right of the Vice President, Senators, Representatives, Resident Commissioner, Secretary of the Senate, and Clerk of the House to have bound in half morocco, or material not more expensive, one copy of every public document to which he may be entitled. At least twelve copies of each report on bills for the payment or adjudication of claims against the Government shall be kept on file in the Senate document room. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1246.)

CROSS REFERENCE

Distribution of Government publications to Library of Congress, see section 1718 of this title (Senate Manual section **667**).

§702. Extra copies of documents and reports. 614

Copies in addition to the "usual number" of documents and reports shall be printed promptly when ready for publication, and may be bound in paper or cloth as the Joint Committee on Printing directs. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1247.)

§703. Printing extra copies. 615

Orders for printing copies in addition to the "usual number", otherwise than provided for by this section, shall be by simple, concurrent, or joint resolution. Either House may print extra copies to the amount of $1,200 by simple resolution; if the cost exceeds that sum, the printing shall be ordered by concurrent resolution, unless the resolution is self-appropriating, when it shall be by joint resolution. Resolutions, when presented to either House, shall be referred to the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate, who, in making their report, shall give the probable cost of the proposed printing upon the estimate of the Public Printer; and extra copies may not be printed before the committee has reported. The printing of additional copies may be performed upon orders of the Joint Committee on Printing within a limit of $700 in cost in any one instance. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1247.)

616 §704. Reprinting bills, laws, and reports from committees not exceeding fifty pages.

When the supply is exhausted, the Secretary of the Senate and the Clerk of the House of Representatives may order the reprinting of not more than one thousand copies of a pending bill, resolution, or public law, not exceeding fifty pages, or a report from a committee or congressional commission on pending legislation not accompanied by testimony or exhibits or other appendices and not exceeding fifty pages. The Public Printer shall require each requisition for reprinting to cite the specific authority of law for its execution. (Oct. 22, 1968, Pub. L. 90–620, 82 Stat. 1248.)

617 §705. Duplicate orders to print.

The Public Printer shall examine the orders of the Senate and House of Representatives for printing, and in case of duplication shall print under the first order received. (Oct. 22, 1968, Pub. L. 90–620, 82 Stat. 1248.)

618 §706. Bills and resolutions: number and distribution.[1]

There shall be printed of each Senate and House public bill and joint resolution six hundred and twenty-five copies, which shall be distributed as follows:

to the Senate document room, two hundred and twenty-five copies;
to the office of Secretary of Senate, fifteen copies;
to the House document room, three hundred and eighty-five copies.

There shall be printed of each Senate private bill, when introduced, when reported, and when passed, three hundred copies, which shall be distributed as follows:

to the Senate document room, one hundred and seventy copies;
to the Secretary of the Senate, fifteen copies;
to the House document room, one hundred copies;
to the Superintendent of Documents, ten copies.

There shall be printed of each House private bill, when introduced, when reported, and when passed, two hundred and sixty copies, which shall be distributed as follows:

to the Senate document room, one hundred and thirty-five copies;
to the Secretary of the Senate, fifteen copies;
to the House document room, one hundred copies;
to the Superintendent of Documents, ten copies.

Bills and resolutions shall be printed in bill form, and, unless specially ordered by either House shall be printed only when referred to a committee, when favorably reported back, and after their passage by either House.

Of concurrent and simple resolutions, when reported, and after their passage by either House, only two hundred and sixty copies shall be printed, except by special order, and shall be distributed as follows:

to the Senate document room, one hundred and thirty-five copies;
to the Secretary of the Senate, fifteen copies;
to the House document room, one hundred copies;

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[1] See footnote to Senate Manual section 613.

to the Superintendent of Documents, ten copies. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1248.)

§ 707. Bills and resolutions: style and form. 619

Subject to sections 205 and 206 of Title 1, the Joint Committee on Printing may authorize the printing of a bill or resolution, with index and ancillaries, in the style and form the Joint Committee on Printing considers most suitable in the interest of economy and efficiency, and to so continue until final enactment in both Houses of Congress. The committee may also curtail the number of copies of bills or resolutions, including the slip form of a public Act or public resolution. (Oct 22, 1968, Pub. L. 90-620, 82 Stat. 1248.)

§ 708. Bills and resolutions: binding sets for Congress. 620

The Public Printer shall bind four sets of Senate and House of Representatives bills, joint and concurrent resolutions of each Congress, two for the Senate and two for the House, to be furnished him from the files of the Senate and House document room, the volumes when bound to be kept there for reference. (Oct 22, 1968, Pub. L. 90-620, 82 Stat. 1249.)

§ 709. Public and private laws, postal conventions, and treaties. 621

The Public Printer shall print in slip form copies of public and private laws, postal conventions, and treaties, to be charged to the congressional allotment for printing and binding. The Joint Committee on Printing shall control the number and distribution of copies. (Oct 22, 1968, Pub. L. 90-620, 82 Stat. 1249.)

§ 711. Printing Acts, joint resolutions, and treaties. 622

The Public Printer, on receiving from the Archivist of the United States a copy of an Act or joint resolution, or from the Secretary of State, a copy of a treaty, shall print an accurate copy and transmit it in duplicate to the Archivist of the United States or to the Secretary of State, as the case may be, for revision. On the return of one of the revised duplicates, he shall make the marked corrections and print the number specified by section 709 of this title. (As amended Pub. L. 98-497, Title I, § 107(b)(1), Oct. 19, 1984, 98 Stat. 2286.)

§ 713. Journals of Houses of Congress.[1] 623

There shall be printed of the Journals of the Senate and House of Representatives eight hundred and twenty copies, which shall be distributed as follows:

to the Senate document room, ninety copies for distribution to Senators, and twenty-five additional copies;

to the Senate library, ten copies;

to the House document room, three hundred and sixty copies for distribution to Members, and twenty-five additional copies;

to the Department of State, four copies;

to the Superintendent of Documents, one hundred and forty-four copies to be distributed to three libraries in each of the States to be designated by the Superintendent of Documents; and

to the library of the House of Representatives, ten copies.

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[1] See footnote to Senate Manual section **613**.

The remaining number of the Journals of the Senate and House of Representatives, consisting of twenty-five copies, shall be furnished to the Secretary of the Senate and the Clerk of the House of Representatives, respectively, as the necessities of their respective offices require, as rapidly as signatures are completed for distribution. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1249; Apr. 2, 1982, Pub. L. 97-164, § 158, 96 Stat. 47.)

624 § 714. Printing documents for Congress in two or more editions; printing of full number and allotment of full quota.

The Joint Committee on Printing shall establish rules to be observed by the Public Printer, by which public documents and reports printed for Congress, or either House, may be printed in two or more editions, to meet the public requirements. The aggregate of the editions may not exceed the number of copies otherwise authorized. This section does not prevent the printing of the full number of a document or report, or the allotment of the full quota to Senators and Representatives, as otherwise authorized, when a legitimate demand for the full complement is known to exist. (Oct. 22, 1968, Pub. L. 90–620, 82 Stat. 1250.)

625 § 715. Senate and House documents and reports for Department of State.

The Public Printer shall print, in addition to the usual number, and furnish the Department of State twenty copies of each Senate and House of Representatives document and report. (Oct. 22, 1968, Pub. L. 90–620, 82 Stat. 1250.)

CROSS REFERENCES

For distribution of House and Senate documents and reports, see sections 701, 1718, and 1719 of this title (Senate Manual sections **613, 667**, and **668**).

626 § 716. Printing of documents not provided for by law.

Either House may order the printing of a document not already provided for by law, when accompanied by an estimate from the Public Printer as to the probable cost. An executive department, bureau, board, or independent office of the Government submitting reports or documents in response to inquiries from Congress shall include an estimate of the probable cost of printing to the usual number. This section does not apply to reports or documents not exceeding fifty pages. (Oct. 22, 1968, Pub. L. 90–620, 82 Stat. 1250.)

627 § 717. Appropriation chargeable for printing of document or report by order of Congress.

The cost of the printing of a document or report printed by order of Congress which, under section 1107 of this title, cannot be properly charged to another appropriation or allotment of appropriation already made, upon order of the Joint Committee on Printing, shall be charged to the allotment of appropriation for printing and binding for Congress. (Oct. 22, 1968, Pub. L. 90–620, 82 Stat. 1250.)

628 § 718. Lapse of authority to print.

The authority to print a document or report, or a publication authorized by law to be printed, for distribution by Congress, shall lapse when the whole number of copies has not been ordered within two years from the date of the original order, except orders for subsequent editions, approved by the Joint Committee on Printing, in which case the whole number may not exceed that originally authorized by law. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1250.)

§ 719. Classification and numbering of publications ordered printed by Congress; designation of publications of departments; printing of committee hearings. 629

Publications ordered printed by Congress, or either House, shall be in four series, namely:

one series of reports made by the committees of the Senate, to be known as Senate reports;

one series of reports made by the committees of the House of Representatives, to be known as House reports;

one series of documents other than reports of committees, the orders for printing which originate in the Senate, to be known as Senate documents, and

one series of documents other than committee reports, the orders for printing which originate in the House of Representatives, to be known as House documents.

The publications in each series shall be consecutively numbered, the numbers in each series continuing in unbroken sequence throughout the entire term of a Congress, but these provisions do not apply to the documents printed for the use of the Senate in executive session. Of the "usual number", the copies which are intended for distribution to State libraries and other designated depositories of annual or serial publications originating in or prepared by an executive department, bureau, office, commission, or board may not be numbered in the document or report series of either House of Congress, but shall be designated by title and bound as provided by section 738 of this title; and the departmental edition, if any, shall be printed concurrently with the "usual number". Hearings of committees may be printed as congressional documents only when specifically ordered by Congress or either House. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1250.)

§ 720. Senate and House Manuals. 630

Each House may order printed as many copies as it desires, of the Senate Manual and of the Rules and Manual of the House of Representatives, even though the cost exceed $500. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1251.)

§ 721. Congressional Directory.[1] 631

(a) There shall be prepared under the direction of the Joint Committee on Printing (1) a Congressional Directory, which shall be printed and distributed as early as practicable during the first session of each Congress and (2) a supplement to each Congressional Directory, which shall be printed and distributed as early as practicable during the second regular session of each Congress. The Joint Committee shall control the number and distribution of the Congressional Directory and each supplement.

(b) One copy of the Congressional Directory delivered to Members of the Senate and the House of Representatives (including Delegates and

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[1] See footnote to Senate Manual section **613**.

the Resident Commissioner) shall be bound in cloth and imprinted on the cover with the name of the Member. Copies of the Congressional Directory delivered to depository libraries may be bound in cloth. All other copies of the Congressional Directory shall be bound in paper and names shall not be imprinted thereon, except that copies printed for sale under section 722 may be bound in cloth. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1251; Aug. 5, 1977, Pub. L. 95-94, § 404, 91 Stat. 682.)

632 **§ 722. Congressional Directory: sale.**

The Public Printer, under the direction of the Joint Committee on Printing, may print the current Congressional Directory for sale at a price sufficient to reimburse the expense of printing. The money derived from sales shall be paid into the Treasury and accounted for in his annual report to Congress, and sales may not be made on credit. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1251.)

633 **§ 723. Memorial addresses; preparation; distribution.**[1]

After the final adjournment of each session of Congress, there shall be compiled, prepared, printed with illustrations, and bound in cloth in one volume, in the style, form, and manner directed by the Joint Committee on Printing, without extra compensation to any employee, the legislative proceedings of Congress and the exercises at the general memorial services held in the House of Representatives during each session relative to the death of a Member of Congress or a former Member of Congress who served as speaker, together with all relevant memorial addresses and eulogies published in the Congressional Record during the same session of Congress, and any other matter the Joint Committee considers relevant; and there shall be printed as many copies as needed to supply the total quantity provided for by this section, of which fifty copies, bound in full morocco, with gilt edges, suitably lettered as may be requested, shall be delivered to the family of the deceased, and the remaining copies shall be distributed as follows:

> of all eulogies on deceased Members of Congress to the Vice President and each Senator, Representative, and Resident Commissioner in Congress, one copy;
>
> of the eulogies on deceased Senators there shall be furnished two hundred and fifty copies for each Senator of the State represented by the deceased and twenty copies for each Representative from that State;
>
> of the eulogies on a deceased Representative and Resident Commissioner two hundred and fifty copies for his successor in office; twenty copies for each of the other Representatives, or Resident Commissioner of the State, or insular possession represented by the deceased; and twenty copies for each Senator from that State.

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[1] See footnote to Senate Manual section **613.** Title VIII of Public Law 94-59, § 801 July 25, 1975, 89 Stat. 296, provides in part as follows: "Hereafter, appropriations for authorized printing and binding for Congress shall not be available under the authority of section 723 of title 44 of the United States Code for the printing, publication, and distribution of more than fifty bound eulogies to be delivered to the family of the deceased, and in the case of a deceased Senator or deceased Representative (including Delegates to Congress and the Resident Commissioner from Puerto Rico), there shall be furnished to his successor in office two hundred and fifty copies.".

The "usual number" of memorial addresses may not be printed. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1251 Oct. 1, 1981, Pub. L. 97-51, § 101(c), 95 Stat. 959.)

§ 724. Memorial addresses: illustrations. 634

The illustrations to accompany bound copies of memorial addresses delivered in Congress shall be made at the Bureau of Engraving and Printing and paid for out of the appropriation for that bureau, or, in the discretion of the Joint Committee on Printing, shall be obtained elsewhere by the Public Printer and charged to the allotment for printing and binding for Congress. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1252.)

§ 725. Statement of appropriations; "usual number". 635

Of the statements of appropriations required to be prepared by section 105 of Title 2, there shall be printed, after the close of each regular session of Congress, the usual number of copies. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1252.)

§ 726. Printing for committees for Congress.[1] 636

ACommittee of Congress may not procure the printing of more than one thousand copies of a hearing, or other document germane thereto, for its use except by simple, concurrent, or joint resolution, as provided by section 703 of this title. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1252.)

§ 727. Committee reports: indexing and binding. 637

The Secretary of the Senate and the Clerk of the House of Representatives shall procure and file for the use of their respective House copies of all reports made by committees, and at the close of each session of Congress shall have the reports indexed and bound, one copy to be deposited in the library of each House and one copy in the committee from which the report emanates. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1252.)

§ 728. United States Statutes at Large: distribution.[2] 638

The Public Printer, after the final adjournment of each regular session of Congress, shall print and bind copies of the United States Statutes at Large, to be charged to the congressional allotment for printing and binding. The Joint Committee on Printing shall control the number and distribution of the copies.

The Public Printer shall print and, after the end of each calendar year, bind and deliver to the Superintendent of Documents a number of copies of the United States Treaties and Other International Agreements not exceeding the number of copies of the United States Statutes at Large required for distribution in the manner provided by law. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1252.)

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[1] See footnote to Senate Manual section 613.

[2] Title X of Pub. L. 94-440, § 1000, Oct. 1, 1976, 90 Stat. 1459, provides in part as follows: "Hereafter, notwithstanding any other provisions of law, appropriations for the automatic distribution to Senators and Representatives (including Delegates to Congress and the Resident Commissioner from Puerto Rico) of copies of the United States Statutes at Large shall not be available with respect to any Senator or Representative unless such Senator or Representative specifically, in writing, requests that he receive copies of such document.".

639 § 730. Distribution of documents to Members of Congress.

When, in the division among Senators, and Representatives, of documents printed for the use of Congress there is an apportionment to each or either House in round numbers, the Public Printer may not deliver the full number so accredited at the Senate Service Department and House of Representatives Publications Distribution Service, but only the largest multiple of the number constituting the full membership of that House, including the Secretary and Sergeant at Arms of the Senate and Clerk, Sergeant at Arms, and Doorkeeper of the House, which is contained in the round numbers thus accredited to that House, so that the number delivered divides evenly and without remainder among the Members of the House to which they are delivered; and the remainder of the documents thus resulting shall be turned over to the Superintendent of Documents, to be distributed by him, first, to public and school libraries for the purpose of completing broken sets; second, to public and school libraries that have not been supplied with any portions of the sets, and, lastly, by sale to other persons; the libraries to be named to him by Senators and Representatives; and in this distribution the Superintendent of Documents, as far as practicable, shall make an equal allowance to each Senator and Representative. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1253.)

640 § 731. Allotments of public documents printed after expiration of terms of Members of Congress; rights of retiring Members to documents.

The Congressional allotment of public documents, other than the Congressional Record, printed after the expiration of the term of office of the Vice President of the United States, or Senator, Representative, or Resident Commissioner, shall be delivered to his successor in office.

Unless the Vice President of the United States, a Senator, Representative, or Resident Commissioner, having public documents to his credit at the expiration of his term of office takes them prior to the 30th day of June next following the date of expiration, he shall forfeit them to his successor in office. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1253.)

641 § 732. Time for distribution of documents by Members of Congress extended.

Reelected Members may distribute public documents to their credit, or the credit of their respective districts in the Interior or other Departments and bureaus, and in the Government Printing Office, during their successive terms and until their right to frank documents ends. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1253.)

642 § 733. Documents and reports ordered by Members of Congress; franks and envelopes for Members of Congress.

The Public Printer on order of a Member of Congress, on prepayment of the cost, may reprint documents and reports of committees together with the evidence papers submitted, or any part ordered printed by the Congress.

He may also furnish without cost to Members and the Resident Commissioner from Puerto Rico, blank franks printed on sheets and perforated, or singly at their option, for public documents. Franks shall contain in the upper left-hand corner the following words: "Public document. United States Senate" or "House of Representatives U.S." and in upper right-hand corner the letters "U.S.S." or "M.C." Franks may also contain information relating to missing children as provided in section 3220 of title 39. But he may not print any other words except where it is desirable to affix the official title of a document. Other words printed on franks shall be at the personal expense of the Member or Resident Commissioner ordering them.

At the request of a Member of Congress or Resident Commissioner the Public Printer may print upon franks or envelopes used for mailing public documents the facsimile signature of the Member or Resident Commissioner and a special request for return if not called for, and the name of the State or Commonwealth and county and city. The Member or Resident Commissioner shall deposit with his order the extra expense involved in printing these additional words.

The Public Printer may also, at the request of a Member or Resident Commissioner, print on envelopes authorized to be furnished, the name of the Member or Resident Commissioner, and State or Commonwealth, the date, and the topic or subject matter, not exceeding twelve words.

The Public Printer shall deposit moneys accruing under this section in the Treasury of the United States to the credit of the appropriation made for the working capital of the Government Printing Office for the year in which the work is done. He shall account for them in his annual report to Congress. (As amended Pub. L. 93-191, § 8(a), Dec. 18, 1973, 87 Stat. 745; Pub. L. 93-255, § 2(b), Mar. 27, 1974, 88 Stat. 52; Pub. L. 99-87, § 1(c)(2), Aug. 9, 1958, 99 Stat. 291.)

§ 734. Stationery and blank books for Congress. 643

Upon requisition of the Secretary of the Senate and the Clerk of the House of Representatives, respectively, the Public Printer shall furnish stationery, blank books, tables, forms, and other necessary papers preparatory to congressional legislation, required for the official use of the Senate and the House of Representatives, or their committees and officers. This does not prevent the purchase by the officers of the Senate and House of Representatives of stationery and blank books necessary for sales to Senators and Members in the stationery rooms of the two Houses as provided by law. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1254.)

§ 735. Binding for Members of Congress.[1] 644

Each Member of Congress is entitled to the binding in half morocco, or material not more expensive, of one copy of each public document to which he is entitled, an account of which shall be kept by the Secretary of the Senate and Clerk of the House of Representatives, respectively. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1254.)

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[1] The rebinding of clothbound books has been prohibited by the Joint Committee on Printing under authority of section 103 of title 44, United States Code (Senate Manual section **602**).

Title VIII of Pub. L. 94-59, § 801, July 25, 1975, 89 Stat. 296, provides in part as follows: "Hereafter, notwithstanding any other provisions of law, appropriations for the binding of copies of public documents by Committees for distribution to Senators and Representatives (including Delegates to Congress and the Resident Commissioner from Puerto Rico) shall not be available for a Senator or Representative unless such Senator or Representative specifically, in writing, requests that he receive bound copies of any such documents.".

645 **§ 736. Binding at expense of Members of Congress.**

The Public Printer may bind at the Government Printing Office books, maps, charts, or documents published by authority of Congress, upon application of a Member of Congress, and payment of the actual cost of binding. (Oct. 22, 1968, Pub. L. 90–620, 82 Stat. 1254.)

646 **§ 737. Binding for Senate library.**[1]

The Secretary of the Senate may make requisition upon the Public Printer for the binding for the Senate library of books he considers necessary, at a cost not to exceed $200 per year. (Oct. 22, 1968, Pub. L. 90–620, 82 Stat. 1254.)

647 **§ 738. Binding of publications for distribution to libraries.**

The Public Printer shall supply the Superintendent of Documents with sufficient copies of publications distributed in unbound form, to be bound and distributed to the State libraries and other designated depositories for their permanent files. Every publication of sufficient size on any one subject shall be bound separately and receive the title suggested by the subject of the volume, and the others shall be distributed in unbound form as soon as printed. The library edition, as well as all other bound sets of congressional numbered documents and reports, shall be arranged in volumes and bound in the manner directed by the Joint Committee on Printing. (Oct. 22, 1968, Pub. L. 90–620, 82 Stat. 1254.)

648 **§ 739. Senate and House document rooms; superintendents.**

There shall be one document room of the Senate and one of the House of Representatives, to be designated, respectively, the "Senate and House document room." Each shall be in charge of a superintendent, who shall be appointed by the Secretary of the Senate and the Doorkeeper of the House, respectively, together with the necessary assistants. The Senate document room shall be under the jurisdiction of the Secretary of the Senate. (Oct. 22, 1968, Pub. L. 90–620, 82 Stat. 1254.)

649 **§ 740. Senate Service Department and House Publications Distribution Service; superintendents.**

There shall be a Senate Service Department and a House of Representatives Publications Distribution Service in the charge of superintendents, appointed respectively by the Sergeant at Arms of the Senate and Doorkeeper of the House, together with the necessary assistants. Reports or documents to be distributed for the Senators and Representatives shall be folded and distributed from the Senate Service Department and House of Representatives Publications Distribution Service, unless otherwise ordered, and the respective superintendent shall notify each Senator and Representative in writing once every sixty days of the number and character of publications on hand and assigned to him for use and distribution. (Oct. 22, 1968, Pub. L. 90–620, 82 Stat. 1255.)

650 **§ 741. Disposition of documents stored at Capitol.**

The Secretary and Sergeant at Arms of the Senate and the Clerk and Doorkeeper of the House of Representatives, at the convening in regular session of each successive Congress shall cause an invoice to be made of public documents stored in and about the Capitol, other than those belonging to the quota of Members of Congress, to the Library of Congress and the Senate and House libraries and document rooms. The superintendents of the Senate Service Department and House of Representatives Publications Distribution Service shall put the documents to the credit of Senators and Representatives in quantities equal in the number of volumes and as nearly as possible in value, to each Member of Congress, and the documents shall be distributed upon the orders of Senators and Representatives, each of whom shall be supplied by the superintendents of the Senate Service Department and House of Representatives Publications Distribution Service with a list of the number and character of the publications thus put to his credit, but before apportionment is made copies of any of these documents desired for the use of a committee of either House shall be delivered to the chairman of the committee.

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[1] The ceiling of $200 per year for binding for the Senate library has been removed by the Joint Committee on Printing under authority of section 103 of title 44, United States Code (Senate Manual section **602**).

Four copies of leather-bound documents shall be reserved and carefully stored, to be used in supplying deficiencies in the Senate and House libraries caused by wear or loss. (Oct 22, 1968, Pub. L. 90-620, 82 Stat. 1255.)

Chapter 9.—CONGRESSIONAL RECORD

§901. Congressional Record: arrangement, style, contents, and indexes. 651

The Joint Committee on Printing shall control the arrangement and style of the Congressional Record, and while providing that it shall be substantially a verbatim report of proceedings, shall take all needed action for the reduction of unnecessary bulk. It shall provide for the publication of an index of the Congressional Record semimonthly during and at the close of sessions of Congress. (Oct 22, 1968, Pub. L. 90-620, 82 Stat. 1255.)

§902. Congressional Record: indexes. 652

The Joint Committee on Printing shall designate to the Public Printer competent persons to prepare the semimonthly and the session index to the Congressional Record and shall fix the compensation to be paid by the Public Printer for that work, and direct the form and manner of its publication and distribution. (Oct 22, 1968, Pub. L. 90-620, 82 Stat. 1256.)

§903. Congressional Record: daily and permanent forms. 653

The public proceedings of each House of Congress as reported by the Official Reporters, shall be printed in the Congressional Record, which shall be issued in daily form during each session and shall be revised, printed, and bound promptly, as directed by the Joint Committee on Printing, in permanent form, for distribution during and after the close of each session of Congress. The daily and the permanent Record shall bear the same date, which shall be that of the actual day's proceedings reported. The "usual number" of the Congressional Record may not be printed. (Oct 22, 1968, Pub. L. 90-620, 82 Stat. 1256.)

§904. Congressional Record: maps; diagrams; illustrations. 654

Maps, diagrams, or illustrations may not be inserted in the Record without the approval of the Joint Committee on Printing. (Oct 22, 1968, Pub. L. 90-620, 82 Stat. 1256.)

655 § 905. Congressional Record: additional insertions.

The Joint Committee on Printing shall provide for printing in the daily Record the legislative program for the day together with a list of congressional committee meetings and hearings, and the place of meeting and subject matter. It shall cause a brief résumé of congressional activities for the previous day to be incorporated in the Record, together with an index of its contents prepared under the supervision of the Secretary of the Senate and the Clerk of the House of Representatives, respectively. (Oct 22, 1968, Pub. L. 90-620, 82 Stat. 1256.)

656 § 906. Congressional Record: gratuitous copies; delivery.[1]

The Public Printer shall furnish the Congressional Record only as follows:

of the bound edition—

to the Senate Service Department five copies for the Vice President and each Senator;

to the Secretary and Sergeant at Arms of the Senate, each, two copies;

to the Joint Committee on Printing not to exceed one hundred copies;

to the House of Representatives Publications Distribution Service, three copies for each Representative and Resident Commissioner in Congress; and

to the Clerk, Sergeant at Arms, and Doorkeeper of the House of Representatives, each, two copies;

of the daily edition—

to the Vice President, one hundred copies;

to each Senator, fifty copies (which may be transferred only to public agencies and institutions);

to the Secretary and Sergeant at Arms of the Senate, each, twenty-five copies;

to the Secretary, for official use, not to exceed thirty-five copies; and

to the Sergeant at Arms for use on the floor of the Senate, not to exceed fifty copies;

to each Member of the House of Representatives, the Resident Commissioner from Puerto Rico, the Delegate from the District of Columbia, the Delegate from Guam, and the Delegate from the Virgin Islands, thirty-four copies (which may be transferred only to public agencies and institutions);

to the Clerk, Sergeant at Arms, and Doorkeeper of the House of Representatives, each, twenty-five copies;

to the Clerk, for official use, not to exceed fifty copies, and to the Doorkeeper for use on the floor of the House of Representatives, not to exceed seventy-five copies;

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[1] Pub. L. 93-145, Nov. 1, 1973, 87 Stat. 546, provides in part as follows: "Hereafter, appropriations for authorized printing and binding for Congress shall not be available under the authority of the Act of October 22, 1968 (44 U.S.C. 906) for the printing, publication, and distribution of more than one copy of the bound permanent editions of the Congressional Record for the Vice President and each Member of the Senate and House of Representatives.".

to the Vice President and each Senator, Representative, and Resident Commissioner in Congress (and not transferable) three copies of which one shall be delivered at his residence, one at his office and one at the Capitol.

In addition to the foregoing the Congressional Record shall also be furnished as follows:

In unstitched form, and held in reserve by the Public Printer, as many copies of the daily Record as may be required to supply a semimonthly edition, bound in paper cover together with each semimonthly index when it is issued, and then be delivered promptly as follows:

to each committee and commission of Congress, one daily and one semimonthly copy;

to each joint committee and joint commission in Congress, as may be designated by the Joint Committee on Printing, two copies of the daily, one semimonthly copy, and one bound copy;

to the Secretary and the Sergeant at Arms of the Senate, for office use, each, six semimonthly copies;

to the Clerk, Sergeant at Arms, and Doorkeeper of the House, for office use, each, six semimonthly copies;

to the Joint Committee on Printing, ten semimonthly copies;

to the Vice President and each Senator, Representative, and Resident Commissioner in Congress, one semimonthly copy;

to the President of the United States, for the use of the Executive Office, ten copies of the daily, two semimonthly copies, and one bound copy;

to the Chief Justice of the United States and each of the Associate Justices of the Supreme Court of the United States, one copy of the daily;

to the offices of the marshal and clerk of the Supreme Court of the United States, each, two copies of the daily and one semimonthly copy;

to each United States circuit and district judge, and to the chief judge and each associate judge of the United States Claims Court, the United States Court of International Trade, the Tax Court of the United States, and the United States Court of Military Appeals, upon request to a Member of Congress and notification by the Member to the Public Printer, one copy of the daily, in addition to those authorized to be furnished to Members of Congress under the preceding provisions of this section;

to the offices of the Vice President and the Speaker of the House of Representatives, each, six copies of the daily and one semimonthly copy;

to the Sergeant at Arms, the Chaplain, the Postmaster, the superintendent and the foreman of the Senate Service Department and of the House of Representatives Publications Distribution Service, respectively; to the Secretaries to the Majority and the Minority of the Senate, and to the Doorkeeper of the House of Representatives, each, one copy of the daily;

to the office of the Parliamentarian of the House of Representatives, six copies of the daily, one semimonthly copy, and two bound copies;

to the offices of the Official Reporters of Debates of the Senate and House of Representatives, respectively, each, fifteen copies of the daily, one semimonthly copy, and three bound copies;

to the office of the stenographers to committees of the House of Representatives, four copies of the daily and one semimonthly copy;

to the office of the Congressional Record Index, ten copies of the daily and two semimonthly copies;

to the offices of the superintendent of the Senate and House document rooms, each, three copies of the daily, one semimonthly copy, and one bound copy;

to the offices of the superintendents of the Senate and House press galleries, each, two copies of the daily, one semimonthly copy, and one bound copy;

to the offices of the Legislative Counsel of the Senate and House of Representatives, respectively, and the Architect of the Capitol, each, three copies of the daily, one semimonthly copy, and one bound copy;

to the Library of Congress for official use in Washington, District of Columbia, and for international exchange, as provided by sections 1718 and 1719 of this title, not to exceed one hundred and forty-five copies of the daily, five semimonthly copies, and one hundred and fifty bound copies;

to the library of the Senate, three copies of the daily, two semimonthly copies, and not to exceed fifteen bound copies;

to the library of the House of Representatives, five copies of the daily, two semimonthly copies, and not to exceed twenty-eight bound copies, of which eight copies may be bound in the style and manner approved by the Joint Committee on Printing;

to the library of the Supreme Court of the United States, two copies of the daily, two semimonthly copies, and not to exceed five bound copies;

to the library of each United States Court of Appeals, each United States District Court, the United States Claims Court, the United States Court of International Trade, the Tax Court of the United States, and the United States Court of Military Appeals, upon request to the Public Printer, one copy of the daily, one semimonthly copy, and one bound copy;

to the Public Printer for official use, not to exceed seventy-five copies of the daily, ten semimonthly copies, and two bound copies;

to the Director of the Botanic Garden, two copies of the daily and one semimonthly copy;

to the Archivist of the United States, five copies of the daily, two semimonthly copies, and two bound copies;

to the library of each executive department, independent office, and establishment of the Government in the District of Columbia, except those designated as depository libraries, and to the libraries of the municipal government of the District of Columbia, the Naval Observatory, and the Smithsonian Institution, each, two copies of the daily, one semimonthly copy, and one bound copy;

to the offices of the Governors of Puerto Rico, Guam and the Virgin Islands, each, five copies in both daily and bound form;

to the office of the Governor of the Canal Zone, five copies in both daily and bound form;

to each ex-President and ex-Vice President of the United States, one copy of the daily;

to each former Senator, Representative, and Commissioner from Puerto Rico, upon request to the Public Printer, one copy of the daily;

to the governor of each State, one copy in both daily and bound form;

to the United States Soldiers' Home and to each of the National Homes for Disabled Volunteer Soldiers, and to each of the State soldiers' homes, one copy of the daily;

to the Superintendent of Documents, as many daily and bound copies as may be required for distribution to depository libraries;

to the Department of State, not to exceed one hundred and fifty copies of the daily, for distribution to each United States embassy and legation abroad, and to the principal consular offices in the discretion of the Secretary of State;

to each foreign legation in Washington whose government extends a like courtesy to our embassies and legations abroad, one copy of the daily, to be furnished upon requisition of and sent through the Secretary of State;

to each newspaper correspondent whose name appears in the Congressional Directory, and who makes application, for his personal use and that of the papers he represents, one copy of the daily and one copy of the bound, the same to be sent to the office address of the member of the press or elsewhere as he directs; not to exceed four copies in all may be furnished to members of the same press bureau.

Copies of the daily edition, unless otherwise directed by the Joint Committee on Printing, shall be supplied and delivered promptly on the day after the actual day's proceedings as originally published. Each order for the daily Record shall begin with the current issue, if previous issues of the same session are not available. The apportionment specified for daily copies may not be transferred for the bound form and an allotment of daily copies not used by a Member during a session shall lapse when the session ends. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1256; June 12, 1970, Pub. L. 91-276, 84 Stat. 303; Aug. 10, 1972, Pub. L. 92-373, 86 Stat. 528; June 8, 1974, Pub. L. 93-314, § 1(b), 88 Stat. 239; Aug. 5, 1977, Pub. L. 95-94, § 407(a), 91 Stat. 683; Oct. 10, 1980, Pub. L. 96-417, Title VI, § 601(11), 94 Stat. 1744; Apr. 2, 1982, Pub. L. 97-164, § 164(2), 96 Stat. 50.)

§ 907. Congressional Record: extracts for Members of Congress; mailing envelopes. 657

The Public Printer may print and deliver, upon the order of a Member of Congress and payment of the cost, extracts from the Congressional Record. The Public Printer may furnish without cost to Members and the Resident Commissioner, envelopes, ready for mailing the Congressional Record or any part of it, or speeches, or reports in it, if such part, speeches, or reports are mailable as franked mail under section 3210 of title 39. Envelopes so furnished shall contain in the upper left-hand corner the following words: "United States Senate" or "House of Representatives, U.S. Part of Congressional Record", and in the upper right-hand corner the letters "U.S.S." or "M.C.", and the Public Printer may, at the request of a Member or Resident Commissioner, print in addition to the foregoing, his name and State or Commonwealth, the date, and the topic or subject matter, not exceeding twelve words. He may not print any other words on envelopes, except at the personal expense of the Member or Resident Commissioner ordering the envelopes, except to affix the official title of a document. The Public Printer shall deposit moneys accruing under this section in the Treasury of the United States to the credit of the appropriation made for the working capital of the Government Printing Office for the year in which the work is done, and accounted for in his annual report to Congress. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1259; Dec. 18, 1973, Pub. L. 93-191, § 8(b), 87 Stat. 745; Mar. 27, 1974, Pub. L. 93-255, § 2(c), 88 Stat. 52.)

658 § 908. Congressional Record: payment for printing extracts or other documents.

If a Member or Resident Commissioner fails to pay the cost of printing extracts from the Congressional Record or other documents ordered by him to be printed, the Public Printer shall certify the amount due to the Sergeant at Arms of the House or the financial clerk of the Senate, as the case may be, who shall deduct from any salary due the delinquent the amount, or as much of it as the salary due may cover, and pay the amount so obtained to the Public Printer, to be applied by him to the satisfaction of the indebtedness. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1260.)

659 § 910. Congressional Record: subscriptions; sale of current, individual numbers, and bound sets; postage rate.

(a) Under the direction of the Joint Committee, the Public Printer may sell—

(1) subscriptions to the daily Record; and

(2) current, individual numbers, and bound sets of the Congressional Record.

(b) The price of a subscription to the daily Record and of current, individual numbers, and bound sets shall be determined by the Public Printer based upon the cost of printing and distribution. Any such price shall be paid in advance. The money from any such sale shall be paid into the Treasury and accounted for in the Public Printer's annual report to Congress.

(c) The Congressional Record shall be entitled to be mailed at the same rates of postage at which any newspaper or other periodical publication, with a legitimate list of paid subscribers, is entitled to be mailed. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1260; June 8, 1974, Pub. L. 93-314, § 1(a), 88 Stat. 239.)

Chapter 11.—EXECUTIVE AND JUDICIARY PRINTING AND BINDING

660 § 1104. Restrictions on use of illustrations.

Appropriations made for printing and binding may not be used for an illustration, engraving, or photograph in a document or report ordered printed by Congress unless the order to print expressly authorizes it, nor in a document or report of an executive department, independent office or establishment of the Government until the head of the executive department or Government establishment certifies in a letter transmitting the report that the illustration, engraving, or photograph is necessary and relates entirely to the transaction of public business. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1261.)

Chapter 13.—PARTICULAR REPORTS AND DOCUMENTS

§ 1326. Librarian of Congress: reports. 661

Five thousand copies of the annual and special reports of the Librarian of Congress submitted to Congress, shall be printed and bound in cloth for the Library of Congress. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1270.)

§ 1339. Printing of the President's Message.[1] 662

The message of the President without the accompanying documents and reports shall be printed in pamphlet form, immediately upon its receipt by Congress. In addition to the usual number, fifteen thousand copies shall be printed, of which five thousand shall be for the Senate, and ten thousand for the House of Representatives.

In addition to the usual number of the President's message and accompanying documents, there shall be printed one thousand copies for the Senate and two thousand for the House of Representatives. The President's message shall be delivered by the printer to the appropriate officers of each House of Congress on or before the third Wednesday next after the meeting of Congress, or as soon after as may be practicable. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1272.)

Chapter 17.—DISTRIBUTION AND SALE OF PUBLIC DOCUMENTS

§ 1705. Printing additional copies for sale to public; regulations. 663

The Public Printer shall print additional copies of a Government publication, not confidential in character, required for sale to the public by the Superintendent of Documents, subject to regulation by the Joint Committee on Printing and without interference with the prompt execution of printing for the Government. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1279.)

§ 1706. Printing and sale of extra copies of documents. 664

The Public Printer shall furnish to applicants giving notice before the matter is put to press, not exceeding two hundred and fifty to any one applicant, copies of bills, reports, and documents. The applicants shall pay in advance the price of the printing. The printing of these copies for private parties may not interfere with the printing for the Government. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1279.)

§ 1710. Index of documents: number and distribution. 665

The Superintendent of Documents, at the close of each regular session of Congress, shall prepare and publish a comprehensive index of public documents, upon a plan approved by the Joint Committee on Printing. The Public Printer shall, immediately upon its publication, deliver to him a copy of every document printed by the Government Printing Office. The head of each executive department, independent agency and establishment of the Government shall deliver to him a copy of every document issued or published by the department, bureau, or office not confidential in character. He shall also prepare and print in one volume a consolidated index of Congressional documents, and shall index single volumes of documents as the Joint Committee on Printing directs. Two thousand copies each of the comprehensive index and of the consolidated index shall be printed and bound in addition to the usual number, two hundred for the Senate, eight hundred for the House of Representatives and one thousand for distribution by the Superintendent of Documents. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1280.)

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[1] See footnote to Senate Manual section 613.

666 § 1715. Publications for department or officer or for congressional committees.

When printing not bearing a congressional number, except confidential matter, blank forms, and circular letters not of a public character, is done for a department or officer of the Government, or not of a confidential character, is done for use of congressional committees, two copies shall be sent, unless withheld by order of the committee, by the Public Printer to the Senate and House of Representatives libraries, respectively, and one copy each to the document rooms of the Senate and House of Representatives, for reference; and these copies may not be removed. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1281.)

667 § 1718. Distribution of Government publications to the Library of Congress.[1]

There shall be printed and furnished to the Library of Congress for official use in the District of Columbia not to exceed twenty-five copies of:

House documents and reports, bound;
Senate documents and reports, bound;
Senate and House journals, bound;
public bills and resolutions;
the United States Code and supplements, bound; and
all other publications and maps which are printed, or otherwise reproduced, under authority of law, upon the requisition of a Congressional committee, executive department, bureau, independent office, establishment, commission, or officer of the Government.

Confidential matter, blank forms, and circular letters not of a public character shall be excepted.

In addition, there shall be delivered as printed to the Library of Congress:

ten copies of each House document and report, unbound;
ten copies of each Senate document and report, unbound;
and
ten copies of each private bill and resolution and fifty copies of the laws in slip form. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1282; Oct. 2, 1982, Pub. L. 97-276, § 101(e), 96 Stat. 1189.)

668 § 1719. International exchange of Government publications.

For the purpose of more fully carrying into effect the convention concluded at Brussels on March 15, 1886, and proclaimed by the President of the United States on January 15, 1889, there shall be supplied to the Superintendent of Documents not to exceed one hundred and twenty-five copies each of all Government publications, including the daily and bound copies of the Congressional Record, for distribution to those foreign governments which agree, as indicated by the Library of Congress, to send to the United States similar publications of their governments for delivery to the Library of Congress. Confidential matter, blank forms, circular letters not of a public character, publications determined by their issuing department, office, or establishment to be required for official use only or for strictly administrative or operational purposes which have no public interest or educational value, and publications classified for reasons of national security shall be exempted from this requirement. The printing, binding, and distribution costs of any publication distributed in accordance with this section shall be chargeable to the department, office, or establishment issuing the publication. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1282; Oct 2, 1982, Pub. L. 97-276, § 101(e), 96 Stat. 1189.)

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[1] See footnote to Senate Manual section 613.

Chapter 19.—DEPOSITORY LIBRARY PROGRAM

§ 1901. Definition of Government publication. 669

"Government publication" as used in this chapter, means informational matter which is published as an individual document at Government expense, or as required by law. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1283.)

§ 1902. Availability of Government publications through Superintendent of Documents; lists of publications not ordered from Government Printing Office. 670

Government publications, except those determined by their issuing components to be required for official use only or for strictly administrative or operational purposes which have no public interest or educational value and publications classified for reasons of national security, shall be made available to depository libraries through the facilities of the Superintendent of Documents for public information. Each component of the Government shall furnish the Superintendent of Documents a list of such publications it issued during the previous month, that were obtained from sources other than the Government Printing Office. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1283.)

§ 1903. Distribution of publications to depositories; notice to Government components; cost of printing and binding. 671

Upon request of the Superintendent of Documents, components of the Government ordering the printing of publications shall either increase or decrease the number of copies of publications furnished for distribution to designated depository libraries and State libraries so that the number of copies delivered to the Superintendent of Documents is equal to the number of libraries on the list. The number thus delivered may not be restricted by any statutory limitation in force on August 9, 1962. Copies of publications furnished the Superintendent of Documents for distribution to designated depository libraries shall include—

the journals of the Senate and House of Representatives;

all publications, not confidential in character, printed upon the requisition of a congressional committee;

Senate and House public bills and resolutions; and
reports on private bills, concurrent or simple resolutions;

but not so-called cooperative publications which must necessarily be sold in order to be self-sustaining.

The Superintendent of Documents shall currently inform the components of the Government ordering printing of publications as to the number copies of their publications required for distribution to depository libraries. The cost of printing and binding those publications distributed to depository libraries obtained elsewhere than from the Government Printing Office, shall be borne by components of the Government responsible for their issuance; those requisitioned from the Government Printing Office shall be charged to appropriations provided the Superintendent of Documents for that purpose. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1283.)

672 § 1904. Classified list of Government publications for selection by depositories.

The Superintendent of Documents shall currently issue a classified list of Government publications in suitable form, containing annotations of contents and listed by item identification numbers to facilitate the selection of only those publications needed by depository libraries. The selected publications shall be distributed to depository libraries in accordance with regulations of the Superintendent of Documents, as long as they fulfill the conditions provided by law. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1284.)

673 § 1905. Distribution to depositories; designation of additional libraries; justification; authorization for certain designations.

The Government publications selected from lists prepared by the Superintendent of Documents, and when requested from him, shall be distributed to depository libraries specifically designated by law and to libraries designated by Senators, Representatives, and the Resident Commissioner from Puerto Rico, by the Commissioner of the District of Columbia, and by the Governors of Guam, American Samoa, and the Virgin Islands, respectively. Additional libraries within areas served by Representatives or the Resident Commissioner from Puerto Rico may be designated by them to receive Government publications to the extent that the total number of libraries designated by them does not exceed two within each area. Not more than two additional libraries within a State may be designated by each Senator from the State. Before an additional library within a State, congressional district or the Commonwealth of Puerto Rico is designated as a depository for Government publications, the head of that library shall furnish his Senator, Representative, or the Resident Commissioner from Puerto Rico, as the case may be, with justification of the necessity for the additional designation. The justification, which shall also include a certification as to the need for the additional depository library designation, shall be signed by the head of every existing depository library within the congressional district or the Commonwealth of Puerto Rico or by the head of the library authority of the State or the Commonwealth of Puerto Rico, within which the additional depository library is to be located. The justification for additional depository library designations shall be transmitted to the Superintendent of Documents by the Senator, Representative, or the

Resident Commissioner from Puerto Rico, as the case may be. The Commissioner of the District of Columbia may designate two depository libraries in the District of Columbia, the Governor of Guam and the Governor of American Samoa may each designate one depository library in Guam and American Samoa, respectively, and the Governor of the Virgin Islands may designate one depository library on the island of Saint Thomas and one on the island of Saint Croix. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1284.)

§ 1906. Land-grant colleges constituted depositories. 674

Land-grant colleges are constituted depositories to receive Government publications subject to the depository laws. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1284.)

§ 1909. Requirements of depository libraries; reports on conditions; investigations; termination; replacement. 675

Only a library able to provide custody and service for depository materials and located in an area where it can best serve the public need, and within an area not already adequately served by existing depository libraries may be designated by Senators, Representatives, the Resident Commissioner from Puerto Rico, the Commissioner of the District of Columbia, or the Governors of Guam, American Samoa, or the Virgin Islands as a depository of Government publications. The designated depository libraries shall report to the Superintendent of Documents at least every two years concerning their condition.

The Superintendent of Documents shall make firsthand investigation of conditions for which need is indicated and include the results of investigations in his annual report. When he ascertains that the number of books in a depository library is below ten thousand, other than Government publications, or it has ceased to be maintained so as to be accessible to the public, or that the Government publications which have been furnished the library have not been properly maintained, he shall delete the library from the list of depository libraries if the library fails to correct the unsatisfactory conditions within six months. The Representative or the Resident Commissioner from Puerto Rico in whose area the library is located or the Senator who made the designation, or a successor of the Senator, and, in the case of a library in the District of Columbia, the Commissioner of the District of Columbia, and in the case of a library in Guam, American Samoa, or the Virgin Islands, the Governor, shall be notified and shall then be authorized to designate another library within the area served by him, which shall meet the conditions herein required, but which may not be in excess of the number of depository libraries authorized by law within the State, district, territory, or the Commonwealth of Puerto Rico, as the case may be. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1285.)

§ 1910. Designations of replacement depositories; limitations on numbers; conditions. 676

The designation of a library to replace a depository library, other than a depository library specifically designated by law, may be made only within the limitations on total numbers specified by section 1905 of this title, and only when the library to be replaced ceases to exist, or when the library voluntarily relinquishes its depository status, or when the

Superintendent of Documents determines that it no longer fulfills the conditions provided by law for depository libraries. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1286.)

677 **§ 1912. Regional depositories; designation; functions; disposal of publications.**

Not more than two depository libraries in each State and the Commonwealth of Puerto Rico may be designated as regional depositories, and shall receive from the Superintendent of Documents copies of all new and revised Government publications authorized for distribution to depository libraries. Designation of regional depository libraries may be made by a Senator or the Resident Commissioner from Puerto Rico within the areas served by them, after approval by the head of the library authority of the State or the Commonwealth of Puerto Rico, as the case may be, who shall first ascertain from the head of the library to be so designated that the library will, in addition to fulfilling the requirements for depository libraries, retain at least one copy of all Government publications either in printed or microfacsimile form (except those authorized to be discarded by the Superintendent of Documents); and within the region served will provide interlibrary loan, reference service, and assistance for depository libraries in the disposal of unwanted Government publications. The agreement to function as a regional depository library shall be transmitted to the Superintendent of Documents by the Senator or the Resident Commissioner from Puerto Rico when the designation is made.

The libraries designated as regional depositories may permit depository libraries, within the areas served by them, to dispose of Government publications which they have retained for five years after first offering them to other depository libraries within their area, then to other libraries. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1286.)

678 **§ 1914. Implementation of depository library program by Public Printer.**

The Public Printer, with the approval of the Joint Committee on Printing, as provided by section 103 of this title, may use any measures he considers necessary for the economical and practical implementation of this chapter. (Oct. 22, 1968, Pub. L. 90-620, 82 Stat. 1287.)

678.1 **§ 1915. Highest State appellate court libraries as depository libraries.**

Upon the request of the highest appellate court of a State, the Public Printer is authorized to designate the library of that court as a depository library. The provisions of section 1911 of this title shall not apply to any library so designated. (Aug. 10, 1972, Pub. L. 92-368, § 1(a), 86 Stat. 507.)

678.2 **§ 1916. Designation of libraries of accredited law schools as depository libraries.**

(a) Upon the request of any accredited law school, the Public Printer shall designate the library of such law school as a depository library. The Public Printer may not make such designation unless he determines that the library involved meets the requirements of this chapter, other than those requirements of the first undesignated paragraph of section 1909 of this title which relate to the location of such library.

(b) For purposes of this section, the term "accredited law school" means any law school which is accredited by a nationally recognized accrediting agency or association approved by the Commissioner of Education for such purpose or accredited by the highest appellate court of the State in which the law school is located. (April 17, 1978, Pub. L. 95-261, § 1, 92 Stat. 199.)

Chapter 21.—NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

§ 2112. Presidential archival depository. 679

(a)(1) When the Archivist considers it to be in the public interest, the Archivist may—

(A)(i) accept, for and in the name of the United States, land, a facility, and equipment offered as a gift to the United States for the purpose of creating a Presidential archival depository;

(ii) take title to the land, facility, and equipment on behalf of the United States; and

(iii) maintain, operate, and protect the land, facility, and equipment as a Presidential archival depository and as part of the national archives system; * * *

(3) Prior to accepting and taking title to any land, facility, or equipment under subparagraph (A) of paragraph (1), or prior to entering into any agreement under subparagraph (B) of such paragraph or any other agreement to accept or establish a Presidential archival depository, the Archivist shall submit a written report on the proposed Presidential archival depository to the President of the Senate and the Speaker of the House of Representatives. The report shall include—

(A) a description of the land, facility, and equipment offered as a gift or to be made available without transfer of title;

(B) a statement specifying the estimated total cost of the proposed depository and the amount of the endowment for the depository required pursuant to subsection (g) of this section;

(C) a statement of the terms of the proposed agreement, if any;

(D) a general description of the types of papers, documents, or other historical materials proposed to be deposited in the depository to be created, and of the terms of the proposed deposit;

(E) a statement of any additional improvements and equipment associated with the development and operation of the depository, an estimate of the costs of such improvements and equipment, and a statement as to the extent to which such costs will be incurred by any Federal or State government agency;

(F) an estimate of the total annual cost to the United States of maintaining, operating, and protecting the depository; and

(G) a certification that such facility and equipment (whether offered as a gift or made available without transfer of title) comply with standards promulgated by the Archivist pursuant to paragraph (2) of this subsection.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1289, § 2108; Pub. L. 94-575, § 4(a), Oct. 21, 1976, 90 Stat. 2727; Pub. L. 95-591, § 2(b)(3), Nov. 4, 1978, 92 Stat. 2528; renumbered § 2112 and amended Pub. L. 98-497, Title I,

§§ 102(a)(1), 107(a)(6), Oct. 19, 1984, 98 Stat. 2280, 2286; Pub. L. 99-323, § 3, May 27, 1986, 100 Stat. 495.)

679.1 **§ 2118. Records of Congress.**

The Secretary of the Senate and the Clerk of the House of Representatives, acting jointly, shall obtain at the close of each Congress all the noncurrent records of the Congress and of each congressional committee and transfer them to the National Archives and Records Administration for preservation, subject to the orders of the Senate or the House of Representatives, respectively. (Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1291, § 2114; renumbered and amended Pub. L. 98-497, Title I, §§ 102(a)(1), 107(a)(10), Oct. 19, 1984, 98 Stat. 2280, 2286.)

NOTE

Pursuant to S. Res. 474, Dec. 1, 1980, the Senate provided public access to its records as follows:

Resolved, That any records of the Senate or any committee of the Senate which are transferred to the General Services Administration under rule XI of the Standing Rules of the Senate and section 2114 of title 44, United States Code, and which have been made public prior to their transfer may be made available for public use.

SEC. 2. (a) Subject to such rules or regulations as the Secretary of the Senate may prescribe, any other records of the Senate or any committee of the Senate which are so transferred may be made available for public use—

(1) in the case of investigative files relating to individuals and containing personal data, personnel records, and records of executive nominations, when such files and records have been in existence for fifty years; and

(2) in the case of all other such records, when such records have been in existence for twenty years.

(b) Notwithstanding the provisions of subsection (a), any committee of the Senate may, by action of the full committee, prescribe a different time when any of its records may be made available for public use, under specific conditions to be fixed by such committee, by giving notice thereof to the Secretary of the Senate and the Administrator of General Services.

SEC. 3. (a) This resolution shall not be construed to authorize the public disclosure of any record pursuant to section 2 if such disclosure is prohibited by law or Executive order of the President.

(b) Notwithstanding the provisions of section 2, the Secretary of the Senate may prohibit or restrict the public disclosure of any record so transferred, other than any record of a Senate committee, if he determines that public disclosure of such record would not be in the public interest and so notifies the Administrator of General Services.

SEC. 4. The Secretary of the Senate shall transmit a copy of this resolution to the Administrator of General Services. (S. Res. 474, 96-2, Dec. 1, 1980.)

Chapter 33.—DISPOSAL OF RECORDS

680 **§ 3303a. Examination by Archivist of lists and schedules of records lacking preservation value; disposal of records.**

(a) The Archivist shall examine the lists and schedules submitted to him under section 3303 of this title. If the Archivist determines that any of the records listed in a list or schedule submitted to him do not, or will not after the lapse of the period specified, have sufficient administrative, legal, research, or other value to warrant their continued preservation by the Government, he may, after publication of notice in the Federal Register and an opportunity for interested persons to submit comment thereon—

(1) notify the agency to that effect; and

(2) empower the agency to dispose of those records in accordance with regulations promulgated under section 3302 of this title.

(b) Authorizations granted under lists and schedules submitted to the Archivist under section 3303 of this title, and schedules promulgated by the Archivist under subsection (d) of this section, shall be mandatory, subject to section 2909 of this title. As between an authorization granted under lists and schedules submitted to the Archivist under section 3303 of this title and an authorization contained in a schedule promulgated under subsection (d) of this section, application of the authorization providing for the shorter retention period shall be required, subject to section 2909 of this title.

(c) The Archivist may request advice and counsel from the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives with respect to the disposal of any particular records under this chapter whenever he considers that—

(1) those particular records may be of special interest to the Congress; or

(2) consultation with the Congress regarding the disposal of those particular records is in the public interest.

However, this subsection does not require the Archivist to request such advice and counsel as a regular procedure in the general disposai of records under this chapter.

(d) The Archivist shall promulgate schedules authorizing the disposal, after the lapse of specified periods of time, of records of a specified form or character common to several or all agencies if such records will not, at the end of the periods specified, have sufficient administrative, legal, research, or other value to warrant their further preservation by the United States Government. A Federal agency may request changes in such schedules for its records pursuant to section 2009 of this title.

(e) The Archivist may approve and effect the disposal of records that are in his legal custody, provided that records that had been in the custody of another existing agency may not be disposed of without the written consent of the head of the agency.

(f) The Archivist shall make an annual report to the Congress concerning the disposal of records under this chapter, including general descriptions of the types of records disposed of and such other information as he considers appropriate to keep the Congress fully informed regarding the disposal of records under this chapter. (Added Pub. L. 91-287, § 1, June 23, 1970, 84 Stat. 320, and amended Pub. L. 95-440, § 1, Oct. 10, 1978, 92 Stat. 1063; Pub. L. 98-497, Title I, § 107(b)(24), (25)(B), Title II, § 204, Oct. 19, 1984, 98 Stat. 2290, 2294.)

Chapter 35.—COORDINATION OF FEDERAL INFORMATION POLICY

681

§ 3501. Purpose.

The purpose of this chapter is—

(1) to minimize the Federal paperwork burden for individuals, small businesses, State and local governments, and other persons;

(2) to minimize the cost to the Federal Government of collecting, maintaining, using, and disseminating information;

(3) to maximize the usefulness of information collected, maintained, and disseminated by the Federal Government;

(4) to coordinate, integrate and, to the extent practicable and appropriate, make uniform Federal information policies and practices;

(5) to ensure that automatic data processing, telecommunications, and other information technologies are acquired and used by the Federal Government in a manner which improves service delivery and program management, increases productivity, improves the quality of decisionmaking, reduces waste and fraud, and wherever practicable and appropriate, reduces the information processing burden for the Federal Government and for persons who provide information to and for the Federal Government; and

(6) to ensure that the collection, maintenance, use and dissemination of information by the Federal Government is consistent with applicable laws relating to confidentiality, including section 552a of title 5, United States Code, known as the Privacy Act.

(Pub. L. 96-511, § 2(a), Dec. 11, 1980, 94 Stat. 2812; amended Pub. L. 99-591, Title VIII, § 811, Oct. 30, 1986, 100 Stat. 3341.)

682 § 3503. Office of Information and Regulatory Affairs.

(a) There is established in the Office of Management and Budget an office to be known as the Office of Information and Regulatory Affairs.

(b) There shall be at the head of the Office an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall delegate to the Administrator the authority to administer all functions under this chapter, except that any such delegation shall not relieve the Director of responsibility for the administration of such functions. The Administrator shall serve as principal adviser to the Director on Federal information policy and shall report directly to the Director. (Pub. L. 96-511, § 2(a), Dec. 11, 1980, 94 Stat. 2814, amended Pub. L. 99-591, Title VIII, § 813, Oct. 30, 1986, 100 Stat. 3341. Note: The amendment made to this section insofar as it relates to appointment of the Administrator of the Office of Information and Regulatory Affairs, shall take effect on the earlier of—

(1) January 20, 1989; or

(2) the date on which a vacancy in that Office first occurs after the date of enactment of this Act.)

683 § 3505. Assignment of tasks and deadlines.

In carrying out the functions under this chapter, the Director shall—

(1) upon enactment of this Act—

(A) set a goal to reduce the then existing burden of Federal collections of information by 15 per centum by October 1, 1982; and

(B) for the year following, set a goal to reduce the burden which existed upon enactment by an additional 10 per centum;

(2) within one year after the effective date of this Act—

(A) establish standards and requirements for agency audits of all major information systems and assign responsibility for conducting Government-wide or multiagency audits, except the Director shall not assign such responsibility for the audit of major information systems used for the conduct of criminal investigations or intelligence activities as defined in section 4-206 of Executive Order 12036, issued January 24, 1978, or successor orders, or for cryptologic activities that are communications security activities;

(B) establish the Federal Information Locator System;

(C) identify areas of duplication in information collection requests and develop a schedule and methods for eliminating duplication;

(D) develop a proposal to augment the Federal Information Locator System to include data profiles of major information holdings of agencies (used in the conduct of their operations) which are not otherwise required by this chapter to be included in the System; and

(E) identify initiatives which may achieve a 10 per centum reduction in the burden of Federal collections of information associated with the administration of Federal grant programs;

(3) within two years after the effective date of this Act—

(A) establish a schedule and a management control system to ensure that practices and programs of information handling disciplines, including records management, are appropriately integrated with the information policies mandated by this chapter;

(B) identifying initiatives to improve productivity in Federal operations using information processing technology;

(C) develop a program to (i) enforce Federal information processing standards, particularly software language standards, at all Federal installations; and (ii) revitalize the standards development program established pursuant to section 759(f)(2) of title 40, United States Code, separating it from peripheral technical assistance functions and directing it to the most productive areas;

(D) complete action on recommendations of the Commission on Federal Paperwork by implementing, implementing with modification or rejecting such recommendations including, where necessary, development of legislation to implement such recommendations;

(E) develop and annually revise, in consultation with the Administrator of General Services, a 5-year plan for meeting the automatic data processing equipment (including telecommunications) and other information technology needs of the Federal Government in accordance with the requirements of sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757, 759) and the purposes of this chapter; and

(F) submit to the President and the Congress legislative proposals to remove inconsistencies in laws and practices involving privacy, confidentiality, and disclosure of information;

(4) upon the enactment of the Paperwork Reduction Reauthorization Act of 1986—

(A) set a goal to reduce, by September 30, 1987, the burden of Federal collections of information existing on September 30, 1986, by at least 5 percent; and

(B) for the fiscal year beginning on October 1, 1987, and each of the next two fiscal years, set a goal to reduce the burden of

Federal collections of information existing at the end of the immediately preceding fiscal year by at least 5 percent;

(5) maintain a comprehensive set of information resources management policies; and

(6) within one year after the date of enactment of the Paperwork Reduction Reauthorization Act of 1986—

(A) issue, in consultation with the Administrator of General Services, principles, standards, and guidelines to implement the policies described in paragraph (5);

(B) report to the Congress on the feasibility and means of enhancing public access, including access by electronic media, to information relating to information collection requests required by this chapter to be made available to the public; and

(C) identify further initiatives to reduce the burden of Federal collections of information associated with the administration of Federal grant programs.

(Pub. L. 96-511, § 2(a), Dec. 11, 1980, 94 Stat. 2818; amended Pub. L. 99-591, Title VIII, § 815, Oct. 30, 1986, 100 Stat. 3341.)

684 **§ 3514. Responsiveness to Congress.**

(a) The Director shall keep the Congress and its committees fully and currently informed of the major activities under this chapter, and shall submit a report thereon to the President of the Senate and the Speaker of the House of Representatives annually and at such other times as the Director determines necessary. The Director shall include in any such report—

(1) proposals for legislative action needed to improve Federal information management, including, with respect to information collection, recommendations to reduce the burden on individuals, small businesses, State and local governments, and other persons;

(2) a compilation of legislative impediments to the collection of information which the Director concludes that an agency needs but does not have authority to collect;

(3) an analysis by agency, and by categories the Director finds useful and practicable, describing the estimated reporting hours required of persons by information collection requests, including to the extent practicable the direct budgetary costs of the agencies and identification of statutes and regulations which impose the greatest number of reporting hours;

(4) a summary of accomplishments and planned initiatives to reduce burdens of Federal information collection requests;

(5) a tabulation of areas of duplication in agency information collection requests identified during the preceding year and efforts made to preclude the collection of duplicate information, including designations of central collection agencies;

(6) a list of each instance in which an agency engaged in the collection of information under the authority of section 3507(g) and an identification of each agency involved;

(7) a list of all violations of provisions of this chapter and rules, regulations, guidelines, policies, and procedures issued pursuant to this chapter;

(8) with respect to recommendations of the Commission on Federal Paperwork—

(A) a description of the specific actions taken on or planned for each recommendations;

(B) a target date for implementing each recommendation accepted but not implemented; and

(C) an explanation of the reasons for any delay in completing action on such recommendations;

(9)(A) a summary of accomplishments in the improvement of, and planned initiatives to improve, Federal information resources management within agencies;

(B) a detailed statement with respect to each agency of new initiatives to acquire information technology to improve such management; and

(C) an analysis of the extent to which the policies, principles, standards, and guidelines issued and maintained pursuant to paragraphs (5) and (6) of section 3505 of this title promote or deter such new initiatives; and

(10) with respect to the statistical policy and coordination functions described in section 3504(d) of this title—

(A) a description of the specific actions taken, or planned to be taken, to carry out each such function;

(B) a description of the status of each major statistical program, including information on—

(i) any improvements in each such program;

(ii) any program which has been reduced or eliminated; and

(iii) the budget for each such program for the previous fiscal year and the fiscal year in progress and the budget proposed for each such program for the next fiscal year; and

(C) a description and summary of the long-range plans currently in effect for the major Federal statistical activities and programs.

(Pub. L. 96-511, § 2(a), Dec. 11, 1980, 94 Stat. 2823; Pub. L. 99-591, Title VIII, § 819, Oct. 30, 1986, 100 Stat. 3341.)

TITLE 50.—WAR AND NATIONAL DEFENSE APPENDIX

DEFENSE PRODUCTION ACT OF 1950

Title VII.—GENERAL PROVISIONS

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691 **§ 2162. Joint Committee on Defense Production.**

NOTE

No funds have been appropriated for the Joint Committee on Defense Production since September 30, 1977, and the Joint Committee has ceased to function.

HISTORICAL DOCUMENTS

DECLARATION OF INDEPENDENCE

IN CONGRESS JULY 4, 1776

THE UNANIMOUS DECLARATION OF THE THIRTEEN UNITED STATES OF AMERICA

WHEN in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security. Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the dispository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our people, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures.

He has affected to render the Military independent of and superior to the Civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing Taxes on us without our Consent:

For depriving us in many cases, of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offences:

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy of the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

Nor have We been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

WE, THEREFORE, the REPRESENTATIVES OF THE UNITED STATES OF AMERICA, IN GENERAL CONGRESS, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by authority of the good People of these Colonies, solemnly PUBLISH and DECLARE, That these United Colonies are, and of Right ought to be FREE AND INDEPENDENT STATES; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as FREE AND INDEPENDENT STATES, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and do all other Acts and Things which INDEPENDENT STATES may of right do. And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our sacred Honor.

(The foregoing declaration was, by order of Congress, engrossed, and signed by the following members:)

JOHN HANCOCK.

New Hampshire

Vosiah Bartlett,
Wm. Whipple,
Matthew Thornton.

Massachusetts Bay

Saml. Adams,
John Adams,
Robt. Treat Paine,
Elbridge Gerry.

Rhode Island, etc.

Step. Hopkins,
William Ellery.

Connecticut

Roger Sherman,
Sam'el Huntington,
Wm. Williams,
Oliver Wolcott.

New York

Wm. Floyd,
Phil. Livingston,
Frans. Lewis,
Lewis Morris.

New Jersey

Richd. Stockton,
Jno. Witherspoon,
Fras. Hopkinson,
John Hart,
Abra Clark.

Pennsylvania

Robt. Morris,
Benjamin Rush,
Benja. Franklin,
John Morton,
Geo. Clymer,
Jas. Smith,
Geo. Taylor,
James Wilson,
Geo. Ross.

Delaware

Caesar Rodney,
Geo. Read,
Tho. M'Kean.

Maryland

Samuel Chase,
Wm. Paca,
Thos. Stone,
Charles Carroll of
Carrollton.

Virginia

George Withe,
Richard Henry Lee,
Th. Jefferson,
Benja. Harrison,
Thos. Nelson, Jr.
Francis Lightfoot Lee,
Carter Braxton.

North Carolina

Wm. Hooper,
Joseph Hewes,
John Penn.

South Carolina

EDWARD RUTLEDGE,	THOMAS LYNCH, junr.,
THOS. HEYWARD, junr.,	ARTHUR MIDDLETON.

Georgia

BUTTON GWINNETT,	GEO. WALTON.
LYMAN HALL,	

Resolved, That copies of the Declaration be sent to the several assemblies, conventions, and committees or councils of safety, and to the several commanding officers of the Continental Troops: That it be PROCLAIMED in each of the UNITED STATES, and at the HEAD OF THE ARMY.—[*Jour. Cong., vol. 1, p. 396.*]

[756]

ARTICLES OF CONFEDERATION

HISTORICAL BACKGROUND

While the Declaration of Independence was under consideration in the Continental Congress, and before it was finally agreed upon, measures were taken for the establishment of a constitutional form of government; and on the 11th of June, 1776, it was "*Resolved*, That a committee be appointed to prepare and digest the form of a confederation to be entered into between these Colonies"; which committee was appointed the next day, June 12, and consisted of a member from each Colony, namely: Mr. Bartlett, Mr. S. Adams, Mr. Hopkins, Mr. Sherman, Mr. R. R. Livingston, Mr. Dickinson, Mr. McKean, Mr. Stone, Mr. Nelson, Mr. Hewes, Mr. E. Rutledge, and Mr. Gwinnett. On the 12th of July, 1776, the committee reported a draft of the Articles of Confederation, which was printed for the use of the members under the strictest injunctions of secrecy.

This report underwent a thorough discussion in Congress, from time to time, until the 15th of November, 1777; on which day, "Articles of Confederation and Perpetual Union" were finally agreed to in form, and they were directed to be proposed to the legislatures of all the United States, and if approved by them, they were advised to authorize their delegates to ratify the same in the Congress of the United States; and in that event they were to become conclusive. On the 17th of November, 1777, the Congress agreed upon the form of a circular letter to accompany the Articles of Confederation, which concluded with a recommendation to each of the several legislatures "to invest its delegates with competent powers, ultimately, and in the name and behalf of the State, to subscribe articles of confederation and perpetual union of the United States, and to attend Congress for that purpose on or before the 10th day of March next." This letter was signed by the President of Congress and sent, with a copy of the articles, to each State legislature.

On the 26th of June, 1778, Congress agreed upon the form of a ratification of the Articles of Confederation, and directed a copy of the articles and the ratification to be engrossed on parchment; which, on the 9th of July, 1778, having been examined and the blanks filled, was signed by the delegates of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, Pennsylvania, Virginia, and South Carolina. Congress then directed that a circular letter be addressed to the States whose delegates were not present, or being present, conceived they were not authorized to sign the ratification, informing them how many and what States had ratified the Articles of Confederation, and desiring them, with all convenient dispatch, to authorize their delegates to ratify the same. Of these States, North Caroliratified on the 21st and Georgia on the 24th of July, 1778; New Jersey on the 26th of November following; Delaware on the 5th of May, 1779; Maryland on the 1st of March, 1781; and on the 2d of March, 1781, Congress assembled under the new form of government.

ARTICLES OF CONFEDERATION[1]

ACT OF CONFEDERATION OF THE UNITED STATES OF AMERICA 756.1

TO ALL TO WHOM THESE PRESENTS SHALL COME, WE THE UNDERSIGNED DELEGATES OF THE STATES AFFIXED TO OUR NAMES, SEND GREETINGS

Whereas the Delegates of the United States of America in Congress assembled did on the 15th day of November in the Year of our Lord One Thousand Seven Hundred and Seventy seven, and in the Second Year of the Independence of America agree to certain articles of Confederation and perpetual Union between the states of Newhampshire, Massachusetts-bay, Rhodeisland and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia in the Words following, viz.

"ARTICLES OF CONFEDERATION AND PERPETUAL UNION BETWEEN THE STATES OF NEWHAMPSHIRE, MASSACHUSETTS-BAY, RHODEISLAND AND PROVIDENCE PLANTATIONS, CONNECTICUT, NEW YORK, NEW JERSEY, PENNSYLVANIA, DELAWARE, MARYLAND, VIRGINIA, NORTH CAROLINA, SOUTH CAROLINA AND GEORGIA

ARTICLE I. The Stile of this confederacy shall be "The United States of America." 756.2

ARTICLE II. Each State retains its Sovereignty, freedom and independence, and every Power, Jurisdiction and right, which is not by this confederation expressly delegated to the United States in Congress assembled. 756.3

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[1] Adopted by the Continental Congress on November 15, 1777, while meeting at York, Pennsylvania, which served as the site of the National Capital from September 30, 1777, to June 27, 1778. Ratification of the Articles by the respective delegates commenced on July 9, 1778, in Philadelphia, Pennsylvania, but was not completed until March 1, 1781, when the Articles were signed by the delegates from Maryland.

756.4 ARTICLE III. The said states hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their Liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

756.5 ARTICLE IV. The better to secure and perpetuate mutual friendship and intercourse among the people of the different states in this union, the free inhabitants of each of these states, paupers, vagabonds and fugitives from Justice excepted, shall be entitled to all privileges and immunities of free citizens in the several states, and the people of each state shall have free ingress and regress to and from any other state, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions and restrictions as the inhabitants thereof respectively, provided that such restrictions shall not extend so far as to prevent the removal of property imported into any state, to any other state of which the Owner is an inhabitant, provided also that no imposition, duties or restriction shall be laid by any state, on the property of the united states, or either of them.

If any Person guilty of, or charged with treason, felony or other high misdemeanor in any state, shall flee from Justice, and be found in any of the united states, he shall upon demand of the Governor or executive power, of the state from which he fled, be delivered up and removed to the state having jurisdiction of his offence.

Full faith and credit shall be given in each of these states to the records, acts and judicial proceedings of the courts and magistrates of every other state.

756.6 ARTICLE V. For the more convenient management of the general interest of the united states, delegates shall be annually appointed in such manner as the legislature of each state shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each state, to recall its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the Year.

No state shall be represented in Congress by less than two, nor by more than seven Members; and no person shall be capable of being a delegate for more than three years in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the united states, for which he, or another for his benefit receives any salary, fees or emolument of any kind.

Each state shall maintain its own delegates in a meeting of the states, and while they act as members of the committee of the states.

In determining questions in the united states, in Congress assembled, each state shall have one vote.

Freedom of speech and debate in Congress shall not be impeached or questioned in any Court, or place out of Congress, and the members of congress shall be protected in their persons from arrests and imprisonments, during the time of their going to and from, and attendance on congress, except for treason, felony, or breach of the peace.

ARTICLE VI. No state without the Consent of the united states in congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance or treaty with any King, prince or state; nor shall any person holding any office of profit or trust under the united states, or any of them, accept of any present, emolument, office or title of any kind whatever from any king, prince or foreign state; nor shall the united states in congress assembled, or any of them, grant any title of nobility. **756.7**

No two or more states shall enter into any treaty, confederation or alliance whatever between them, without the consent of the united states in congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No state shall lay any imposts of duties, which may interfere with any stipulations in treaties, entered into by the united states in congress assembled with any king, prince or state, in pursuance of any treaties already proposed by congress to the courts of France and Spain.

No vessels of war shall be kept up in time of peace by any state, except such number only, as shall be deemed necessary by the united states in congress assembled, for the defence of such state, or its trade; nor shall any body of forces be kept up by any state, in time of peace, except such number only, as in the judgment of the united states, in congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such state; but every state shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use, in public stores, a due number of field-pieces and tents, and a proper quantity of arms, ammunition and camp equipage.

No state shall engage in any war without the consent of the united states in congress assembled, unless such state be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such state, and the danger is so imminent as not to admit of a delay, till the united states in congress assembled can be consulted: nor shall any state grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the united states in Congress assembled, and then only against the kingdom or state and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the united states in congress assembled, unless such state be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the united states in congress assembled shall determine otherwise.

756.8 Article vii. When land-forces are raised by any state for the common defence, all officers of or under the rank of colonel, shall be appointed by the legislature of each state respectively by whom such forces shall be raised, or in such manner as such state shall direct, and all vacancies shall be filled up by the state which first made the appointment.

756.9 Article viii. All charges of war, and all other expences that shall be incurred for the common defence or general welfare, and allowed by the united states in congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states, in proportion to the value of all land within each state, granted to or surveyed for any Person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the united states in congress assembled, shall from time to time direct and appoint.

The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several states within the time agreed upon by the united states in congress assembled.

Article ix. The united states in congress assembled, 756.10
shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article—of sending and receiving embassadors—entering into treaties and alliances, provided that no treaty of commerce shall be made whereby the legislative power of the respective states shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever—of establishing rules for deciding in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the united states shall be divided or appropriated—of granting letters of marque and reprisal in times of peace—appointing courts for the trial of piracies and felonies committed on the high seas and establishing courts for receiving and determining finally appeals in all cases of captures, provided that no member of congress shall be appointed a judge of any of the said courts.

The united states in congress assembled shall also be 756.11
the last resort on appeal in all disputes and differences now subsisting or that hereafter may arise between two or more states concerning boundary, jurisdiction or any other cause whatever, which authority shall always be exercised in the manner following. Whenever the legislative or executive authority or lawful agent of any state in controversy with another shall present a petition to congress stating the matter in question and praying for a hearing, notice thereof shall be given by order of congress to the legislative or executive authority of the other state in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question: but if they cannot agree, congress shall name three persons out of each of the united states, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven, nor more than nine names as congress shall direct, shall in the presence of congress be drawn out by lot, and the persons whose names shall be so

drawn or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause shall agree in the determination: and if either party shall neglect to attend at the day appointed, without showing reasons, which congress shall judge sufficient, or being present shall refuse to strike, the congress shall proceed to nominate three persons out of each State, and the secretary of congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court to be appointed, in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence, or judgment, which shall in like manner be final and decisive, the judgment or sentence and other proceedings being in either case transmitted to congress, and lodged among the acts of congress for the security of the parties concerned: provided that every commissioner, before he sits in judgment, shall take an oath to be administered by one of the judges of the supreme or superior court of the state, where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment without favour, affection or hope of reward": provided also that no state shall be deprived of territory for the benefit of the united states.

756.12 All controversies concerning the private right of soil claimed under different grants of two or more states, whose jurisdiction as they may respect such lands, and the states which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall on the petition of either party to the congress of the united states, be finally determined as near as may be in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different states.

756.13 The united states in congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective states—fixing the standard of weights and measures throughout the united states—regulating the trade and managing all affairs with the Indians, not members of any of the states, provided that the legislative right of any state within its own limits be not infringed or violated—establishing and regulating post-offices from one state to another, throughout all the united states, and exacting such postage on the papers passing thro' the same as may be requisite to defray the expences of the said office—appointing all officers of the land forces, in the service of the united states, excepting regimental officers—appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the united states—making rules for the government and regulation of the said land and naval forces, and directing their operations.

The united states in congress assembled shall have authority to appoint a committee, to sit in the recess of congress, to be denominated "A Committee of the States," and to consist of one delegate from each state; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the united states under their direction—to appoint one of their number to preside, provided that no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of Money to be raised for the service of the united states, and to appropriate and apply the same for defraying the public expences—to borrow money, or emit bills on the credit of the united states, transmitting every half year to the respective states an account of the sums of moneys so borrowed or emitted—to build and equip a navy—to agree upon the number of land forces, and to make requisition from each state for its quota, in proportion to the number of white inhabitants in such state; which requisitions shall be binding, and thereupon the legislature of each state shall appoint the regimental officers, raise the men and cloath, arm and equip them in a soldier like manner, at the expence of the united states; and the officers and men so cloathed, armed and equipped shall march to the place appointed, and within the time agreed on by the united states in congress assembled: But if the united states in congress assembled shall, on consideration of circumstances judge proper that any state should not raise men, or should raise a smaller number than its quota, and that any other state should raise a greater number of men 756.14

than the quota thereof, such extra number shall be raised, officered, cloathed, armed and equipped in the same manner as the quota of such state, unless the legislature of such state shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise, officer, cloath, arm and equip as many of such extra number as they judge can be safely spared. And the officers and men so cloathed, armed and equipped, shall march to the place appointed, and within the time agreed on by the united states in congress assembled.

756.15 The united states in congress assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expences necessary for the defence and welfare of the united states, or any of them, nor emit bills, nor borrow money on the credit of the united states, nor appropriate money, nor agree upon the number of vessels of war, to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander-in-chief of the army or navy, unless nine states assent to the same; nor shall a question on any other point, except for adjourning from day to day be determined, unless by the votes of a majority of the united states in congress assembled.

756.16 The Congress of the united states shall have power to adjourn to any time within the year, and to any place within the united states, so that no period of adjournment be for a longer duration than the space of six Months, and shall publish the Journal of their proceedings monthly, except such parts thereof relating to treaties, alliances or military operations as in their judgment require secrecy; and the yeas and nays of the delegates of each state on any question shall be entered on the Journal, when it is desired by any delegate; and the delegates of a state, or any of them, at his or their request shall be furnished with a transcript of the said Journal, except such parts as are above excepted, to lay before the legislatures of the several states.

756.17 ARTICLE X. The committee of the states, or any nine of them, shall be authorized to execute, in the recess of congress such of the powers of congress as the united states in congress assembled, by the consent of nine states, shall from time to time think expedient to vest them with; provided that no power be delegated to the said committee, for the exercise of which, by the articles of confederation, the voice of nine states in the congress of the united states assembled is requisite.

ARTICLE XI. Canada acceding to this confederation, and joining in the measures of the united states, shall be admitted into, and entitled to all the advantages of this union: but no other colony shall be admitted into the same, unless such admission be agreed to by nine states. 756.18

ARTICLE XII. All bills of credit emitted, monies borrowed and debts contracted by, or under the authority of congress, before the assembling of the united states, in pursuance of the present confederation, shall be deemed and considered as a charge against the united states, for payment and satisfaction whereof the said united states, and the public faith are hereby solemnly pledged. 756.19

ARTICLE XIII. Every state shall abide by the determinations of the united states in congress assembled, on all questions which by this confederation are submitted to them. And the Articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a congress of the united states, and be afterward confirmed by the legislatures of every state. 756.20

AND WHEREAS it has pleased the Great Governor of the World to incline the hearts of the legislatures we respectively represent in congress, to approve of, and to authorize us to ratify the said articles of confederation and perpetual union. KNOW YE that we the undersigned delegates, by virtue of the power and authority to us given for that purpose, do by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said articles of confederation and perpetual union, and all and singular the matters and things therein contained: And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the united states in congress assembled, on all questions, which by the said confederation are submitted to them. And that the articles thereof shall be inviolably 756.21

observed by the states we respectively represent and that the union shall be perpetual.

756.22 IN WITNESS whereof we have hereunto set our hands in Congress. DONE at Philadelphia in the state of Pennsylvania the ninth Day of July in the Year of our Lord one Thousand seven Hundred and Seventy-eight, and in the third year of the independence of America.

On the part and behalf of the State of New Hampshire.

Josiah Bartlett,
John Wentworth, junr. August 8, 1778.

On the part and behalf of the State of Massachusetts Bay.

John Hancock,
Samuel Adams,
Elbridge Gerry,
Francis Dana,
James Lovell,
Samuel Holten.

On the part and in behalf of the State of Rhode Island and Providence Plantations.

William Ellery,
Henry Marchant,
John Collins.

On the part and behalf of the State of Connecticut.

Roger Sherman,
Samuel Huntington,
Oliver Wolcott,
Titus Hosmer,
Andrew Adams.

On the part and behalf of the State of New York.

Jas Duane,
Fras Lewis,
William Duer,
Gouvr Morris.

On the part and in behalf of the State of New Jersey.

Jno Witherspoon,
Nathl Scudder, Nov. 26, 1778.

On the part and behalf of the State of Pennsylvania.

Robt. Morris,
Daniel Roberdeau,
Jona Bayard Smith,
William Clingan,
Joseph Reed, July 22nd, 1778.

On the part and behalf of the State of Delaware.

John Dickinson, May 5, 1779,
Nicholas Van Dyke,
Tho. M'Kean, Feb. 12, 1779.

On the part and behalf of the State of Maryland.

John Hanson, March 1, 1781,
Daniel Carrol Do

On the part and behalf of the State of Virginia.

RICHARD HENRY LEE,
JOHN BANISTER,
THOMAS ADAMS,
JNO HARVIE,
FRANCIS LIGHTFOOT LEE.

On the part and behalf of the State of North Carolina.

JOHN PENN, July 21, 1778,
CORNS. HARNETT,
JNO WILLIAMS.

On the part and behalf of the State of South Carolina.

HENRY LAURENS,
WILLIAM HENRY DRAYTON,
JNO MATHEWS,
RICHARD HUTSON,
THOS. HEYWARD, JUNR.

On the part and behalf of the State of Georgia.

JNO WALTON, 24th July 1778,
EDWD TELFAIR,
EDWD. LANGWORTHY.

[757]

ORDINANCE OF 1787

AN ORDINANCE FOR THE GOVERNMENT OF THE TERRITORY OF THE UNITED STATES NORTHWEST OF THE RIVER OHIO

[THE CONFEDERATE CONGRESS, JULY 13, 1787]

757.1 SECTION 1. *Be it ordained by the United States in Congress assembled,* That the said Territory, for the purpose of temporary government, by one district, subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.

757.2 SEC. 2. *Be it ordained by the authority aforesaid,* That the estates both of resident and non-resident proprietors in the said territory, dying intestate, shall descend to, and be distributed among, their children and the descendants of a deceased child in equal parts, the descendants of a deceased child or grandchild to take the share of their deceased parent in equal parts among them; and where there shall be no children or descendants, then in equal parts to the next of kin, in equal degree; and among collaterals, the children of a deceased brother or sister of the intestate shall have, in equal parts among them, their deceased parent's share; and there shall, in no case, be a distinction between kindred of the whole and half blood; saving in all cases to the widow of the intestate, her third part of the real estate for life, and one-third part of the personal estate; and this law relative to descents and dower, shall remain in full force until altered by the legislature of the district. And until the governor and judges shall adopt laws as hereinafter mentioned, estates in the said territory may be devised or bequeathed by wills in writing, signed and sealed by him or her in whom the estate may be, (being of full age,) and attested by three witnesses; and real estates may be conveyed by lease and release, or bargain and sale, signed, sealed, and delivered by the person, being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved, and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magistrates, courts, and registers, shall be appointed for that purpose; and personal property may be transferred by delivery, saving, however, to the French and Canadian inhabitants, and other settlers of the Kaskaskies, Saint Vincents, and the neighboring villages, who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance of property.

757.3 SEC. 3. *Be it ordained by the authority aforesaid,* That there shall be appointed, from time to time, by Congress, a governor whose commission shall continue in force for the term of three years, unless sooner revoked by Congress; he shall reside in the district, and have a freehold estate therein, in one thousand acres of land, while in the exercise of his office.

757.4 SEC. 4. There shall be appointed from time to time, by Congress, a secretary, whose commission shall continue in force for four years, unless sooner revoked; he shall reside in the district, and have a freehold estate therein, in five hundred acres of land, while in the exercise of his office. It shall be his duty to keep and preserve the acts and laws passed by the legislature, and the public records of the district, and the proceedings of the governor in his executive department, and transmit authentic copies of such acts and proceedings every six months to the Secretary of Congress. There shall also be appointed a court, to consist of three judges, any two of whom to form a court, who shall have a common-law jurisdiction, and reside in the district, and have each therein a freehold estate, in five hundred acres of land, while in the exercise of their offices; and their commissions shall continue in force during good behavior.

757.5 SEC. 5. The governor and judges, or a majority of them, shall adopt and publish in the district such laws of the original States, criminal and civil, as may be necessary, and best suited to the circumstances of the district, and report them to Congress from time to time, which laws shall be in force in the district until the organization of the general assembly therein, unless disapproved of by Congress; but afterwards the legislature shall have authority to alter them as they shall think fit.

SEC. 6. The governor, for the time being, shall be commander-in-chief of the militia, appoint and commission all officers in the same below the rank of general officers; all general officers shall be appointed, and commissioned by Congress. 757.6

SEC. 7. Previous to the organization of the general assembly the governor shall appoint such magistrates, and other civil officers, in each county or township, as he shall find necessary for the preservation of the peace and good order in the same. After the general assembly shall be organized the powers and duties of magistrates and other civil officers shall be regulated and defined by the said assembly; but all magistrates and other civil officers, not herein otherwise directed, shall, during the continuance of this temporary government, be appointed by the governor. 757.7

SEC. 8. For the prevention of crimes and injuries, the laws to be adopted or made shall have force in all parts of the district, and for the execution of process, criminal and civil, the governor shall make proper divisions thereof, and he shall proceed, from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject, however, to such alterations as may thereafter be made by the legislature. 757.8

SEC. 9. So soon as there shall be five thousand free male inhabitants, of full age, in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships, to represent them in the general assembly: *Provided,* That for every five hundred free male inhabitants there shall be one representative, and so on, progressively, with the number of free male inhabitants, shall the right of representation increase, until the number of representatives shall amount to twenty-five; after which the number and proportion of representatives shall be regulated by the legislature: *Provided,* That no person be eligible or qualified to act as a representative, unless he shall have been a citizen of one of the United States three years, and be a resident in the district, or unless he shall have resided in the district three years, and, in either case, shall likewise hold in his own right, in fee-simple, two hundred acres of land within the same: *Provided also,* That a freehold in fifty acres of land in the 757.9

district, having been a citizen of one of the States, and being resident in the district, or the like freehold and two years' residence in the district, shall be necessary to qualify a man as an elector of a representative.

757.10 SEC. 10. The representatives thus elected shall serve for the term of two years; and in case of the death of a representative, or removal from office, the governor shall issue a writ to the county or township, for which he was a member, to elect another in his stead, to serve for the residue of the term.

757.11 SEC. 11. The general assembly, or legislature, shall consist of the governor, legislative council, and a house of representatives. The legislative council shall consist of five members, to continue in office five years, unless sooner removed by Congress; any three of whom to be a quorum; and the members of the council shall be nominated and appointed in the following manner, to wit: As soon as representatives shall be elected the governor shall appoint a time and place for them to meet together, and, when met they shall nominate ten persons, resident in the district, and each possessed of a freehold in five hundred acres of land, and return their names to Congress, five of whom Congress shall appoint and commission to serve as aforesaid; and whenever a vacancy shall happen in the council, by death or removal from office, the house of representatives shall nominate two persons, qualified as aforesaid, for each vacancy, and return their names to Congress, one of whom Congress shall appoint and commission for the residue of the term; and every five years, four months at least before the expiration of the time of service of the members of the council, the said house shall nominate ten persons, qualified as aforesaid, and return their names to Congress, five of whom Congress shall appoint and commission to serve as members of the council five years, unless sooner removed. And the governor, legislative council, and house of representatives shall have authority to make laws in all cases for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills, having passed by a majority in the house, and by a majority in the council, shall be referred to the governor for his assent; but no bill or legislative act whatever, shall be of any force without his assent. The governor shall have power to convene, prorogue, and dissolve the general assembly, when, in his opinion, it shall be expedient.

SEC. 12. The governor, judges, legislative council, secretary, and such other officers as Congress shall appoint in the district, shall take an oath or affirmation of fidelity, and of office; the governor before the President of Congress, and all other officers before the governor. As soon as a legislature shall be formed in the district, the council and house assembled, in one room, shall have authority, by joint ballot, to elect a delegate to Congress, who shall have a seat in Congress, with a right of debating, but not of voting, during this temporary government. 757.12

SEC. 13. And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions, are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in the said territory; to provide, also, for the establishment of States, and permanent government therein, and for their admission to a share in the Federal councils on an equal footing with the original States, at as early periods as may be consistent with the general interest: 757.13

SEC. 14. It is hereby ordained and declared, by the authority aforesaid, That the following articles shall be considered as articles of compact, between the original States and the people and States in the said territory, and forever remain unalterable, unless by common consent, to wit: 757.14

ARTICLE I 757.15

No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship, or religious sentiments, in the said territories.

ARTICLE II 757.16

The inhabitants of the said territory shall always be entitled to the benefits of the writs of *habeas corpus*, and of the trial by jury; of a proportionate representation of the people in the legislature, and of judicial proceedings according to the course of the common law. All persons shall be bailable, unless for capital offences, where the proof shall be evident, or the presumption great. All fines shall be moderate; and no cruel or unusual punishments shall be inflicted. No man shall be deprived of his liberty or property, but by the judgment of his peers, or the law of the land, and should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same. And, in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made or have force in the said territory, that shall, in any manner whatever, interfere with or affect private contracts, or engagements, *bona fide,* and without fraud previously formed.

757.17

ARTICLE III

Religion, morality, and knowledge being necessary to good government, and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights, and liberty they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall, from time to time, be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

757.18

ARTICLE IV

The said territory, and the States which may be formed therein, shall forever remain a part of this confederacy of the United States of America, subject to the Articles of Confederation, and to such alterations therein as shall be constitutionally made; and to all the acts and ordinances of the United States in Congress assembled, conformable thereto. The inhabitants and settlers in the said territory shall be subject to pay a part of the Federal debts, contracted, or to be contracted, and a proportional part of the expenses of government to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other States; and the taxes for paying their proportion shall be laid and levied by the authority and direction of the legislatures of the district or districts, or new States, as in the original States, within the time agreed upon by the United States in Congress assembled. The legislatures of those districts, or new States, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the *bona-fide* purchasers. No tax shall be imposed on lands the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and Saint Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the said territory as to the citizens of the United States, and those of any other States that may be admitted into the confederacy, without any tax, impost, or duty therefor. [Sands *v.* Manistee River Imp. Co., 123 U.S. 288.]

ARTICLE V

757.19

There shall be formed in the said territory not less than three nor more than five States; and the boundaries of the States, as soon as Virginia shall alter her act of cession and consent to the same, shall become fixed and established as follows, to wit: The western State, in the said territory, shall be bounded by the Mississippi, the Ohio, and the Wabash Rivers; a direct line drawn from the Wabash and Post Vincents, due north, to the territorial line between the United States and Canada; and by the said territorial line to the Lake of the Woods and Mississippi. The middle State shall be bounded by the said direct line, the Wabash from Post Vincents to the Ohio, by the Ohio, by a direct line drawn due north from the mouth of the Great Miami to the said territorial line, and by the said territorial line. The eastern State shall be bounded by the last-mentioned direct line, the Ohio, Pennsylvania, and the said territorial line: *Provided, however,* And it is further understood and declared, that the boundaries of these three States shall be subject so far to be altered that, if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan. And whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original States, in all respects whatever; and shall be at liberty to form a permanent constitution and State government: *Provided,* The constitution and government, so to be formed, shall be republican, and in conformity to the principles contained in these articles, and, so far as it can be consistent with the general interests of the Confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than sixty thousand.

757.20

ARTICLE VI

There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted: *Provided always,* That any person escaping in the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor service as aforesaid.

757.21 *Be it ordained by the authority aforesaid,* That the resolutions of the 23d of April, 1784, relative to the subject of this ordinance, be, and the same are hereby, repealed, and declared null and void.

Done by the United States, in Congress assembled, the 13th day of July, in the year of our Lord 1787, and of their sovereignty and independence the 12th.

CHARLES THOMSON,
Sec'y.

[760]

CONSTITUTION OF THE UNITED STATES OF AMERICA

HISTORICAL BACKGROUND

In May, 1785, a committee of Congress made a report recommending an alteration in the Articles of Confederation, but no action was taken on it, and it was left to the State Legislatures to proceed in the matter. In January, 1786, the Legislature of Virginia passed a resolution providing for the appointment of five commissioners, who, or any three of them, should meet such commissioners as might be appointed in the other States of the Union, at a time and place to be agreed upon, to take into consideration the trade of the United States; to consider how far a uniform system in their commercial regulations may be necessary to their common interest and their permanent harmony; and to report to the several States such an act, relative to this great object, as, when ratified by them, will enable the United States in Congress effectually to provide for the same. The Virginia commissioners, after some correspondence, fixed the first Monday in September as the time, and the city of Annapolis as the place for the meeting, but only four other States were represented, viz: Delaware, New York, New Jersey, and Pennsylvania; the commissioners appointed by Massachusetts, New Hampshire, North Carolina, and Rhode Island failed to attend. Under the circumstances of so partial a representation, the commissioners present agreed upon a report (drawn by Mr. Hamilton, of New York), expressing their unanimous conviction that it might essentially tend to advance the interests of the Union if the States by which they were respectively delegated would concur, and use their endeavors to procure the concurrence of the other States, in the appointment of commissioners to meet at Philadelphia on the second Monday of May following, to take into consideration the situation of the United States; to devise such further provisions as should appear to them necessary to render the Constitution of the Federal Government adequate to the exigencies of the Union; and to report such an act for that purpose to the United States in Congress assembled as, when agreed to by them and afterwards confirmed by the Legislatures of every State, would effectually provide for the same.

Congress, on the 21st of February, 1787, adopted a resolution in favor of a convention, and the Legislatures of those States which had not already done so (with the exception of Rhode Island) promptly appointed delegates. On the 25th of May, seven States having convened, George Washington, of Virginia, was unanimously elected President, and the consideration of the proposed constitution was commenced. On the 17th of September, 1787, the Constitution as engrossed and agreed upon was signed by all the members present, except Mr. Gerry, of Massachusetts, and Messrs. Mason and Randolph, of Virginia. The president of the convention transmitted it to Congress, with a resolution stating how the proposed Federal Government should be put in operation, and an explanatory letter. Congress, on the 28th of September, 1787, directed the Constitution so framed, with the resolutions and letter concerning the same, to "be transmitted to the several Legislatures in order to be submitted to a convention of delegates chosen in each State by the people thereof, in conformity to the resolves of the convention."

On the 4th of March, 1789, the day which had been fixed for commencing the operations of Government under the new Constitution, it had been ratified by the conventions chosen in each State to consider it, as follows: Delaware, December 7, 1787; Pennsylvania, December 12, 1787; New Jersey, December 19, 1787; Georgia, January 2, 1788; Connecticut, January 9, 1788; Massachusetts, February 6, 1788; Maryland, April 28, 1788; South Carolina, May 23, 1788; New Hampshire, June 21, 1788; Virginia, June 25, 1788; and New York, July 26, 1788.

The President informed Congress, on the 28th of January, 1790, that North Carolina had ratified the Constitution November 21, 1789; and he informed Congress on the 1st of June, 1790, that Rhode Island had ratified the Constitution May 29, 1790. Vermont, in convention, ratified the Constitution January 10, 1791, and was, by an act of Congress approved February 18, 1791, "received and admitted into this Union as a new and entire member of the United States."

CONSTITUTION OF THE UNITED STATES OF AMERICA

WE THE PEOPLE of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America. **760.1**

ARTICLE I **761**

SECTION 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives. **761.1**

SECTION 2.[1] The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature. **761.2**

[2] No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen. **761.3**

[3] *[Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.] The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they **761.4**

NOTE.—The small superior figures designate clauses, and have no reference to footnotes.

*The part included in heavy brackets was repealed by section 2 of amendment XIV, Senate Manual section **784.2**.

shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

As per act of November 15, 1941, the apportionment, based on the Sixteenth Census (1940), the Seventeenth Census (1950), and the Eighteenth Census (1960), distributes the 435 seats in the House among the States according to the method of equal proportions. (See Senate Manual section **974.**)

761.5 [4] When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

761.6 [5] The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

761.7 [1] SECTION 3. *The Senate of the United States shall be composed of two Senators from each State, **[**chosen by the Legislature**]** thereof, for six Years; and each Senator shall have one Vote.

761.8 [2] Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the Second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year; so that one-third may be chosen every second Year; **[**and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies**]**.**

761.9 [3] No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when

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*The part included in heavy brackets was changed by clause 1 of amendment XVII, Senate Manual section **787.1.**

The part included in heavy brackets was changed by clause 2 of amendment XVII, Senate Manual section **787.2.

elected, be an Inhabitant of that State for which he shall be chosen.

[4] The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided. **761.10**

[5] The Senate shall chuse their other Officers, and also a President pro tempore, in the absence of the Vice President, or when he shall exercise the Office of President of the United States. **761.11**

[6] The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two-thirds of the Members present. **761.12**

[7] Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust, or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment, and Punishment, according to Law. **761.13**

SECTION 4. [1] The Time, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators. **761.14**

[2] The Congress shall assemble at least once in every Year, and such Meeting shall [be on the first Monday in December,] unless they shall by Law appoint a different Day.* **761.15**

SECTION 5. [1] Each House shall be the Judge of the Elections, Returns, and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide. **761.16**

[2] Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member. **761.17**

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*The part included in heavy brackets was changed by Section 2 of amendment XX, Senate Manual section **790.2**.

761.18 [3] Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present be entered on the Journal.

761.19 [4] Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

761.20 SECTION 6. [1] The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

761.21 [2] No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

761.22 SECTION 7. [1] All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

761.23 [2] Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

[3] Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill. 761.24

SECTION 8. [1] The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States; 761.25

[2] To borrow money on the credit of the United States; 761.26

[3] To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes; 761.27

[4] To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States; 761.28

[5] To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures; 761.29

[6] To provide for the Punishment of counterfeiting the Securities and current Coin of the United States; 761.30

[7] To establish Post Offices and post Roads; 761.31

[8] To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries; 761.32

[9] To constitute Tribunals inferior to the supreme Court; 761.33

[10] To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations; 761.34

761.35 [11] To declare War, grant Letters of Marque and Reprisal and make Rules concerning Captures on Land and Water;

761.36 [12] To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

761.37 [13] To provide and maintain a Navy;

761.38 [14] To make Rules for the Government and Regulation of the land and naval Forces;

761.39 [15] To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

761.40 [16] To provide for organizing, arming, and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

761.41 [17] To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

761.42 [18] To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

761.43 SECTION 9. [1] The Migration or Importation of Such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

761.44 [2] The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

[3] No Bill of Attainder or ex post facto Law shall be passed. 761.45

*[4] No capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken. 761.46

[5] No Tax or Duty shall be laid on Articles exported from any State. 761.47

[6] No preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State be obliged to enter, clear, or pay Duties in another. 761.48

[7] No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time. 761.49

[8] No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State. 761.50

SECTION 10.[1] No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility. 761.51

[2] No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Control of the Congress. 761.52

[3] No State shall, without the Consent of Congress, lay any duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, 761.53

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*See also amendment XVI, Senate Manual section **786**.

unless actually invaded, or in such imminent Danger as will not admit of delay.

762 ARTICLE II

762.1 SECTION 1. [1] The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four years,† and, together with the Vice-President, chosen for the same Term, be elected, as follows:

762.2 [2] Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

762.3 *[The Electors shall meet in their respective States, and vote by Ballot for two persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two-thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice-President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice-President.]

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†See also amendment XXII, Senate Manual section 792.

*This paragraph has been superseded by amendment XII, Senate Manual section 782.

[3] The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States. 762.4

[4] No person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty-five Years, and been fourteen Years a Resident within the United States. 762.5

[5] In case of the Removal of the President from Office, or of his Death, resignation, or Inability to discharge the Powers and Duties of the said Office,† the same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected. 762.6

[6] The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them. 762.7

[7] Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States." 762.8

SECTION 2. [1] The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, 762.9

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†See also amendment XXV, Senate Manual section 795.

in writing, of the principal Officer in each of the executive Departments, upon any subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment.

762.10 [2] He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

762.11 [3] The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

762.12 SECTION 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

762.13 SECTION 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

763 ARTICLE III

763.1 SECTION 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their offices during good Behaviour, and shall, at stated Times, receive for their Services a Compensation which shall not be diminished during their Continuance in Office.

SECTION 2. [1] The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States;—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects. 763.2

[2] In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make. 763.3

[3] The trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed. 763.4

SECTION 3. [1] Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court. 763.5

[2] The Congress shall have power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted. 763.6

ARTICLE IV 764

SECTION 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings 764.1

of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

764.2 SECTION 2. [1] The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

764.3 [2] A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

764.4 [3] [No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.] *

764.5 SECTION 3. [1] New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

764.6 [2] The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory of other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

764.7 SECTION 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

ARTICLE V

765 The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for

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*This paragraph has been superseded by amendment XIII, Senate Manual section 783.

proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article, and that no State without its Consent, shall be deprived of its equal Suffrage in the Senate.

ARTICLE VI 766

[1] All Debts contracted and Engagements entered into, before the Adoption of this Constitution shall be as valid against the United States under this Constitution, as under the Confederation. 766.1

[2] This Constitution, and the Laws of the United States which shall be made in Pursuance thereof, and all Treaties made, or which shall be made, under Authority of the United States, shall be the supreme Law of the Land, and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding. 766.2

[3] The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States. 766.3

ARTICLE VII 767

The Ratification of the Conventions of nine States shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

DONE in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United 768

States of America the Twelfth. In witness whereof We have here unto subscribed our Names,

G^{o} WASHINGTON—
Presi^{dt}. and deputy from Virginia.

New Hampshire

John Langdon,
Nicholas Gilman.

Massachusetts

Nathaniel Gorham,
Rufus King.

Connecticut

Wm. Saml. Johnson,
Roger Sherman.

New York

Alexander Hamiltion.

New Jersey

Wil: Livingston,
David Brearley,
Wm. Paterson,
Jona. Dayton.

Pennsylvania

B. Franklin,
Robt. Morris,
Tho: Fitzsimons,
James Wilson,
Thomas Mifflin,
Geo: Clymer,
Jared Ingersoll,
Gouv: Morris.

Delaware

Geo: Read,
John Dickinson,
Jaco: Broom,
Gunning Bedford, Jun'r,
Richard Bassett.

Maryland

James M'Henry,
Danl Carroll,
Dan: of St. Thos. Jenifer.

Virginia

John Blair,
James Madison, Jr.

North Carolina

Wm. Blount,
Hu. Williamson,
Rich'd Dobbs Spaight.

South Carolina

J. RUTLEDGE,	CHARLES COTESWORTH PINCKNEY,
CHARLES PINCKNEY,	PIERCE BUTLER.

Georgia

WILLIAM FEW,	ABR. BALDWIN.

Attest: WILLIAM JACKSON, *Secretary.*

[770]

ARTICLES IN ADDITION TO, AND AMENDMENT OF, THE CONSTITUTION OF THE UNITED STATES OF AMERICA, PROPOSED BY CONGRESS, AND RATIFIED BY THE LEGISLATURES OF THE SEVERAL STATES, PURSUANT TO THE FIFTH ARTICLE OF THE ORIGINAL CONSTITUTION [1]

AMENDMENT [I] [2] 771

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

AMENDMENT [II] 772

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

AMENDMENT [III] 773

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

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[1] In Dillon *v.* Gloss, 256 U.S. 368[1921], the Supreme Court stated that it would take judicial notice of the date on which a State ratified a proposed constitutional amendment. Accordingly the Court consulted the State journals to determine the dates on which each house of the legislature of certain States ratified the Eighteenth amendment. It, therefore, follows that the date on which the governor approved the ratification, or the date on which the secretary of state of a given State certified the ratification, or the date on which the Secretary of State of the United States received a copy of said certificate, or the date on which he proclaimed that the amendment had been ratified are not controlling. Hence, the ratification date given on the following pages is the date on which the legislature of a given State approved the particular amendment (signature by the speaker or presiding officers of both houses being considered a part of the ratification of the "legislature"). When that date is not available, the date given is that on which it was approved by the governor or certified by the secretary of state of the particular State. In each case such fact has been noted. Information as to ratification is based on data supplied by the Department of State and the General Services Administration.

[2] Brackets enclosing an amendment number indicate that the number was not specifically assigned in the resolution proposing the amendment. It will be seen, accordingly, that only amendments XIII, XIV, XV, and XVI were thus technically ratified by number.

774

AMENDMENT [IV]

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

775

AMENDMENT [V]

No person shall be held to answer for a capital, or other wise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offenses to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

776

AMENDMENT [VI]

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

777

AMENDMENT [VII]

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

778

AMENDMENT [VIII]

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

AMENDMENT [IX] 779

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

AMENDMENT [X] 780

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

The **first 10 amendments**[3] to the Constitution (i.e. nos. 3 to 12 of those proposed) were ratified by the several State legislatures on the following dates: New Jersey, November 20, 1789; Maryland, December 19, 1789; North Carolina, December 22, 1789; South Carolina, January 19, 1790; New Hampshire, January 25, 1790; Delaware, January 28, 1790; New York, February 27, 1790*; Pennsylvania, March 10, 1790; Rhode Island, June 7, 1790; Vermont, November 3, 1791; Virginia, December 15, 1791; Massachusetts, March 2, 1939; Georgia, March 18, 1939; Connecticut, April 19, 1939.

AMENDMENT [XI] 781

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

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[3] The first 10 amendments along with 2 others which failed of ratification were proposed by Congress on September 25, 1789, when they passed the Senate [1 Ann. Cong. (1st Cong., 1st sess.) 90], having previously passed the House on September 24 [*Id.*, 948]. They appear officially in 1 Stat. 97. Ratification was completed on December 15, 1791, when the eleventh State (Virginia) approved these amendments, there being then 14 States in the Union. On March 1, 1792, Thomas Jefferson, Secretary of State, addressed letters to the Governors of the several States, advising them of the said ratifications (National Archives, Department of State, American Letters, IV, 355).

The two amendments which failed of ratification (i.e. nos. 1 and 2 of those proposed) prescribed the ratio of representation to population in the House, and specified that no law varying the compensation of Members of Congress should be effective until after an intervening election of Representatives. The first was ratified by 10 States (1 short of the requisite number) and the second by 6 States [2 Doc. Hist. Const., 325–390].

*By Council of Revision. State legislature approved Feb. 24, 1790.

The **eleventh amendment**[4] was ratified by the several State legislatures on the following dates: New York, March 27, 1794; Rhode Island, March 31, 1794; Connecticut, May 8, 1794; New Hampshire, June 16, 1794; Massachusetts, June 26, 1794; Vermont, October 28, 1794; Virginia, November 18, 1794; Georgia, November 29, 1794; Kentucky, December 7, 1794; Maryland, December 26, 1794; Delaware, January 23, 1795; North Carolina, February 7, 1795; South Carolina, December 4, 1797 [State Department, Press Releases, vol. XII, p. 247 (1935)].

782 AMENDMENT [XII]

The electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for, as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice.[5] [And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.]—The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

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[4] The eleventh amendment was proposed by Congress on March 4, 1794, when it passed the House [4 Ann. Cong. (3d Cong., 1st sess.) 477, 478], having previously passed the Senate on January 14 [*Id.*, 30, 31]. It appears officially in 1 Stat. 402. Ratification was completed on February 7, 1795, when the twelfth State (North Carolina) approved the amendment, there being then 15 States in the Union. Official announcement of ratification was not made until January 8, 1798, when President John Adams in a message to Congress stated that the eleventh amendment had been adopted by three-fourths of the States and that it "may now be deemed to be part of the Constitution" [1 Mess. and Papers of Pres. 250]. In the interim South Carolina had ratified, and Tennessee had been admitted into the Union as the sixteenth State.

The **twelfth amendment**[6] was ratified by the several State legislatures on the following dates: North Carolina, December 22, 1803; Maryland, December 24, 1803; Kentucky, December 27, 1803; Ohio, between December 5 and December 30, 1803; Virginia, December 31, 1803; Pennsylvania, January 5, 1804; Vermont, January 30, 1804; New York, February 10, 1804; New Jersey, February 22, 1804; Rhode Island, between February 27 and March 12, 1804; South Carolina, May 15, 1804; Georgia, May 19, 1804; [New Hampshire, June 15, 1804]; and Tennessee, July 27, 1804. The amendment was rejected by Delaware on January 18, 1804; by Massachusetts on February 3, 1804; and by Connecticut at its session begun May 10, 1804.

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[5] The part included in heavy brackets has been superseded by section 3 of amendment XX, Senate Manual section **790.3.**

[6] The twelfth amendment was proposed by Congress on December 9, 1803, when it passed the House [13 Ann. Cong. (8th Cong., 1st sess.) 775, 776], having previously passed the Senate on December 2 [*Id.*, 209]. It was not signed by the presiding officers of the House and Senate until December 12. It appears officially in 2 Stat. 306. Ratification was probably completed on June 15, 1804, when the legislature of the thirteenth State (New Hampshire) approved the amendment, there being then 17 States in the Union. The Governor of New Hampshire, however, vetoed this act of the legislature on June 20, and the act failed to pass again by two-thirds vote then required by the State constitution. Inasmuch as article V of the Federal Constitution specifies that amendments shall become effective "when ratified by the legislatures of three-fourths of the several States or by conventions in three-fourths thereof," it has been generally believed that an approval or veto by a Governor is without significance. If the ratification by New Hampshire be deemed ineffective, then the amendment became operative by Tennessee's ratification on July 27, 1804. On September 25, 1804, in a circular letter to the Governors of the several States, Secretary of State Madison declared the amendment ratified by three-fourths of the States.

783 AMENDMENT XIII

783.1 SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

783.2 SECTION 2. Congress shall have power to enforce this article by appropriate legislation.

The **thirteenth amendment**[7] was ratified by the several State legislatures on the following dates: Illinois, February 1, 1865; Rhode Island, February 2, 1865; Michigan, February 2, 1865; Maryland, February 3, 1865; New York, February 3, 1865; West Virginia, February 3, 1865; Missouri, February 6, 1865; Maine, February 7, 1865; Kansas, February 7, 1865; Massachusetts, February 7, 1865; Pennsylvania, February 8, 1865; Virginia, February 9, 1865; Ohio, February 10, 1865; Louisiana, February 15 or 16, 1865; Indiana, February 16, 1865; Nevada, February 16, 1865; Minnesota, February 23, 1865; Wisconsin, February 24, 1865; Vermont, March 9, 1865 (date on which it was "approved" by Governor); Tennessee, April 7, 1865; Arkansas, April 14, 1865; Connecticut, May 4, 1865; New Hampshire, June 30, 1865; South Carolina, November 13, 1865; Alabama, December 2, 1865 (date on which it was "approved" by Provisional Governor); North Carolina, December 4, 1865; Georgia, December 6, 1865; Oregon, December 11, 1865; California, December 15, 1865; Florida, December 28, 1865 (Florida again ratified this amendment on June 9, 1868, upon its adoption of a new constitution); Iowa, January 17, 1866; New Jersey, January 23, 1866 (after having rejected the amendment on March 16, 1865); Texas, February 18, 1870; Delaware, February 12, 1901 (after having rejected the amendment on February 8, 1865); Kentucky, March 18, 1976 (after having rejected the amendment on February 24, 1865). The amendment was rejected by Mississippi on December 2, 1865.

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[7] The thirteenth amendment was proposed by Congress on January 31, 1865, when it passed the House [Cong. Globe (38th Cong., 2d sess.) 531], having previously passed the Senate on April 8, 1864 [*Id.* (38th cong., 1st sess.) 1490]. It appears officially in 13 Stat. 567 under date of February 1, 1865. Ratification was completed on December 6, 1865, when the legislature of the twenty-seventh State (Georgia) approved the amendment, there being then 36 States in the Union. On December 18, 1865, Secretary of State Seward certified that the thirteenth amendment had become a part of the Constitution [13 Stat. 774].

A "thirteenth amendment" depriving of United States citizenship any citizen who should accept any title, office, or emolument from a foreign power, was proposed by Congress on May 1, 1810, when it passed the House [21 Ann. Cong. (11th Cong., 2d sess.) 2050], having previously passed the Senate on April 27 [20 Ann. Cong. (11th Cong., 2d sess.) 672]. It appears officially in 2 Stat. 613. It failed of adoption, being ratified by but 12 States up to December 10, 1812 [2 Miscell. Amer. State Papers, 477–479; 2 Doc. Hist. Const. 454–499], there then being 18 in all.

Another "thirteenth amendment", forbidding any future amendment that should empower Congress to interfere with the domestic institution of any State, was proposed by Congress on March 2, 1861, when it passed the Senate [Cong. Globe (36th Cong., 2d sess.) 1403], having previously passed the House on February 28 [*Id.*, 1285]. It appears officially in 12 Stat. 2512. It failed of adoption, being ratified by but three States: Ohio, May 13, 1861 [58 Laws Ohio 190]; Maryland, January 10, 1862 [Laws Maryland (1861–62) 21]; Illinois, February 14, 1862 [2 Doc. Hist. Const., 518] irregular, because by convention instead of by legislature as authorized by Congress.

AMENDMENT XIV 784

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws. 784.1

SECTION 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State. 784.2

SECTION 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability. 784.3

SECTION 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for 784.4

the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

784.5 SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

The **fourteenth amendment**[8] was ratified by the several State legislatures on the following dates: Connecticut, June 30, 1866; New Hampshire, July 7, 1866; Tennessee, July 19, 1866; New Jersey, September 11, 1866 (the New Jersey Legislature on February 20, 1868, "withdrew" its consent to the ratification; the Governor vetoed that bill on March 5, 1868, and it was repassed over his veto on March 24, 1868; and on Nov. 12, 1980, the Legislature expressed support for the amendment); Oregon, September 19, 1866 (Oregon "withdrew" its consent on October 15, 1868, and again ratified on April 25, 1973); Vermont, October 30, 1866; New York, January 10, 1867; Ohio, January 11, 1867 (Ohio "withdrew" its consent on January 15, 1868), Illinois, January 15, 1867; West Virginia, January 16, 1867; Michigan, January 16, 1867; Kansas, January 17, 1867; Minnesota, January 17, 1867; Maine, January 19, 1867; Nevada, January 22, 1867; Indiana, January 23, 1867; Missouri, January 26, 1867 (date on which it was certified by the Missouri secretary of state); Rhode Island, February 7, 1867; Pennsylvania, February 12, 1867; Wisconsin, February 13, 1867 (actually passed February 7, but not signed by legislative officers until February 13); Massachusetts, March 20, 1867; Nebraska, June 15, 1867; Iowa, March 9, 1868; Arkansas, April 6, 1868; Florida, June 9, 1868; North Carolina, July 2, 1868 (after having rejected the amendment on December 13, 1866); Louisiana, July 9, 1868 (after having rejected the amendment on February 6, 1867); South Carolina, July 9, 1868 (after having rejected the amendment on December 20, 1866); Alabama, July 13, 1868 (date on which it was "approved" by the Governor); Georgia, July 21, 1868 (after having rejected the amendment on November 9, 1866—Georgia ratified again on February 2, 1870); Virginia, October 8, 1869 (after having rejected the amendment on January 9, 1867); Mississippi, January 17, 1870; Texas, February 18, 1870 (after having rejected the amendment on October 27, 1866); Delaware, February 12, 1901 (after having rejected the amendment on February 8, 1867); Maryland, April 4, 1959 (after having rejected the amendment on March 23, 1867); California, May 6, 1959; Kentucky, March 18, 1976 (after having rejected the amendment on January 8, 1867).

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[8] The fourteenth amendment was proposed by Congress on June 13, 1866, when it passed the House [Cong. Globe (39th Cong., 1st sess.) 3148, 3149], having previously passed the Senate on June 8 [*Id.*, 3042]. It appears officially in 14 Stat. 358 under date of June 16, 1866. Ratification was probably completed on July 9, 1868, when the legislature of twenty-eighth State (South Carolina or Louisiana) approved the amendment, there being then 37 States in the Union. However, Ohio and New Jersey had prior to that date "withdrawn" their earlier assent to this amendment. Accordingly, Secretary of State Seward on July 20, 1868, certified that the amendment had become a part of the Constitution if the said withdrawals were ineffective [15 Stat. 706–707]. Congress at once (July 21, 1868) passed a joint resolution declaring the amendment a part of the Constitution and directing the Secretary to promulgate it as such. On July 28, 1868, Secretary Seward certified without reservation that the amendment was a part of the Constitution. In the interim, two other States, Alabama on July 13 and Georgia on July 21, 1868, had added their ratifications.

AMENDMENT XV 785

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. 785.1

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation. 785.2

The **fifteenth amendment**[9] was ratified by the several State legislatures on the following dates: Nevada, March 1, 1869; West Virginia, March 3, 1869; North Carolina, March 5, 1869; Louisiana, March 5, 1869 (date on which it was "approved" by the Governor); Illinois, March 5, 1869; Michigan, March 5, 1869; Wisconsin, March 5, 1869; Maine, March 11, 1869; Massachusetts, March 12, 1869; South Carolina, March 15, 1869; Arkansas, March 15, 1869; Pennsylvania, March 25, 1869; New York, April 14, 1869 (New York "withdrew" its consent to the ratification on January 5, 1870, which action it rescinded on March 30, 1970); Indiana, May 14, 1869; Connecticut, May 19, 1869; Florida, June 14, 1869; New Hampshire, July 1, 1869; Virginia, October 8, 1869; Vermont, October 20, 1869; Alabama, November 16, 1869; Missouri, January 7, 1870 (Missouri had ratified the first section of the 15th Amendment on March 1, 1869; it failed to include in its ratification the second section of the amendment); Minnesota, January 18, 1870; Mississippi, January 17, 1870; Rhode Island, January 18, 1870; Kansas, January 19, 1870 (Kansas had by a defectively worded resolution previously ratified this amendment on February 27, 1869); Ohio, January 27, 1870 (after having rejected the amendment on May 4, 1869); Georgia, February 2, 1870; Iowa, February 3, 1870; Nebraska, February 17, 1870; Texas, February 18, 1870; New Jersey, February 15, 1871 (after having rejected the amendment on February 7, 1870); Delaware, February 12, 1901 (date on which approved by Governor; Delaware had previously rejected the amendment on March 18, 1869); Oregon, February 24, 1959 (after having rejected the amendment on October 26, 1870); California, April 3, 1962 (after having rejected the amendment on January 28, 1870); Maryland, May 7, 1973 (date on which approved by Governor; Maryland had previously rejected the amendment on February 26, 1870); Kentucky, March 18, 1976 (after having rejected the amendment on March 12, 1869). The amendment was rejected by Tennessee on November 16, 1869.

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[9] The fifteenth amendment was proposed by Congress on February 26, 1869, when it passed the Senate [Cong. Globe (40th Cong., 3d sess.) 1641], having previously passed the House on February 25 [*Id.*, 1563, 1564]. It appears officially in 15 Stat. 346 under date of February 27, 1869. Ratification was probably completed on February 3, 1870, when the legislature of the twenty-eighth State (Iowa) approved the amendment, there being then 37 States in the Union. However, New York had prior to that date "withdrawn" its earlier assent to this amendment. Even if this withdrawal were effective, Nebraska's ratification on February 17, 1870, authorized Secretary of State Fish's certification of March 30, 1870, that the 15th amendment had become a part of the Constitution [16 Stat. 1131].

786 AMENDMENT XVI

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

The sixteenth amendment[10] was ratified by the several State legislatures on the following dates: Alabama, August 10, 1909; Kentucky, February 8, 1910; South Carolina, February 19, 1910; Illinois, March 1, 1910; Mississippi, March 7, 1910; Oklahoma, March 10, 1910; Maryland, April 8, 1910; Georgia, August 3, 1910; Texas, August 16, 1910; Ohio, January 19, 1911; Idaho, January 20, 1911; Oregon, January 23, 1911; Washington, January 26, 1911; Montana, January 27, 1911; Indiana, January 30, 1911; California, January 31, 1911; Nevada, January 31, 1911; South Dakota, February 1, 1911; Nebraska, February 9, 1911; North Carolina, February 11, 1911; Colorado, February 15, 1911; North Dakota, February 17, 1911; Michigan, February 23, 1911; Iowa, February 24, 1911; Kansas, March 2, 1911; Missouri, March 16, 1911; Maine, March 31, 1911; Tennessee, April 7, 1911; Arkansas, April 22, 1911 (after having rejected the amendment at the session begun January 9, 1911); Wisconsin, May 26, 1911; New York, July 12, 1911; Arizona, April 3, 1912; Minnesota, June 11, 1912; Louisiana, June 28, 1912; West Virginia, January 31, 1913; Delaware, February 3, 1913; Wyoming, February 3, 1913; New Mexico, February 3, 1913; New Jersey, February 4, 1913; Vermont, February 19, 1913; Massachusetts, March 4, 1913; New Hampshire, March 7, 1913 (after having rejected the amendment on March 2, 1911). The amendment was rejected (and not subsequently ratified) by Connecticut, Rhode Island, and Utah.

787 AMENDMENT [XVII]

787.1 The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

787.2 When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided,* That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

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[10] The sixteenth amendment was proposed by Congress on July 12, 1909, when it passed the House [44 Cong. Rec. (61st Cong., 1st sess.) 4390, 4440, 4441], having previously passed the Senate on July 5 [*Id.*, 4121]. It appears officially in 36 Stat. 184. Ratification was completed on February 3, 1913, when the legislature of the thirty-sixth State (Delaware, Wyoming, or New Mexico) approved the amendment, there being then 48 States in the Union. On February 25, 1913, Secretary of State Knox certified that this amendment had become a part of the Constitution [37 Stat. 1785].

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

The seventeenth amendment [11] was ratified by the several State legislatures on the following dates: Massachusetts, May 22, 1912; Arizona, June 3, 1912; Minnesota, June 10, 1912; New York, January 15, 1913; Kansas, January 17, 1913; Oregon, January 23, 1913; North Carolina, January 25, 1913; California, January 28, 1913; Michigan, January 28, 1913; Iowa, January 30, 1913; Montana, January 30, 1913; Idaho, January 31, 1913; West Virginia, February 4, 1913; Colorado, February 5, 1913; Nevada, February 6, 1913; Texas, February 7, 1913; Washington, February 7, 1913; Wyoming, February 8, 1913; Arkansas, February 11, 1913; Illinois, February 13, 1913; North Dakota, February 14, 1913; Wisconsin, February 18, 1913; Indiana, February 19, 1913; New Hampshire, February 19, 1913; Vermont, February 19, 1913; South Dakota, February 19, 1913; Maine, February 20, 1913; Oklahoma, February 24, 1913; Ohio, February 25, 1913; Missouri, March 7, 1913; New Mexico, March 13, 1913; Nebraska, March 14, 1913; New Jersey, March 17, 1913; Tennessee, April 1, 1913; Pennsylvania, April 2, 1913; Connecticut, April 8, 1913; Louisiana, June 5, 1914. The amendment was rejected by Utah on February 26, 1913.

[AMENDMENT [XVIII]] * 788

[SECTION 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited. 788.1

[SECTION 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation. 788.2

[SECTION 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided 788.3

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[11] The seventeenth amendment was proposed by Congress on May 13, 1912, when it passed the House [48 Cong. Rec. (62d Cong., 2d sess.) 6367], having previously passed the Senate on June 12, 1911 [47 Cong. Rec. (62d Cong., 1st sess.) 1925]. It appears officially in 37 Stat. 646. Ratification was completed on April 8, 1913, when the thirty-sixth State (Connecticut) approved the amendment, there being then 48 States in the Union. On May 31, 1913, Secretary of State Bryan certified that it had become a part of the Constitution [38 Stat. 2049].

*Amendment XVIII was repealed by amendment XXI, Senate Manual section **791**.

in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.]

The **eighteenth amendment** [12] was ratified by the several State legislatures on the following dates: Mississippi, January 8, 1918; Virginia, January 11, 1918; Kentucky, January 14, 1918; North Dakota, January 28, 1918 (date on which approved by Governor); South Carolina, January 29, 1918; Maryland, February 13, 1918; Montana, February 19, 1918; Texas, March 4, 1918; Delaware, March 18, 1918; South Dakota, March 20, 1918; Massachusetts, April 2, 1918; Arizona, May 24, 1918; Georgia, June 26, 1918; Louisiana, August 9, 1918 (date on which approved by Governor); Florida, November 17, 1918; Michigan, January 2, 1919; Ohio, January 7, 1919; Oklahoma, January 7, 1919; Idaho, January 8, 1919; Maine, January 8, 1919; West Virginia, January 9, 1919; California, January 13, 1919; Tennessee, January 13, 1919; Washington, January 13, 1919; Arkansas, January 14, 1919; Kansas, January 14, 1919; Illinois, January 14, 1919; Indiana, January 14, 1919; Alabama, January 15, 1919; Colorado, January 15, 1919; Iowa, January 15, 1919; New Hampshire, January 15, 1919; Oregon, January 15, 1919; Nebraska, January 16, 1919; North Carolina, January 16, 1919; Utah, January 16, 1919; Missouri, January 16, 1919; Wyoming, January 16, 1919; Minnesota, January 17, 1919; Wisconsin, January 17, 1919; New Mexico, January 20, 1919; Nevada, January 21, 1919; New York, January 29, 1919; Vermont, January 29, 1919; Pennsylvania, February 25, 1919; Connecticut, May 6, 1919; New Jersey, March 9, 1922. The amendment was rejected (and not subsequently ratified) by Rhode Island.

789 AMENDMENT [XIX]

789.1 The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

789.2 Congress shall have power to enforce this article by appropriate legislation.

The **nineteenth amendment** [13] was ratified by the several State legislatures on the following dates: Illinois, June 10, 1919 (readopted June 17,

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[12] The eighteenth amendment was proposed by Congress on December 18, 1917, when it passed the Senate [Cong. Rec. (65th Cong., 2d sess.) 478], having previously passed the House on December 17 [*Id.*, 470]. It appears officially in 40 Stat. 1050. Ratification was completed on January 16, 1919, when the thirty-sixth State approved the amendment, there being then 48 States in the Union. On January 29, 1919, Acting Secretary of State Polk certified that this amendment had been adopted by the requisite number of States [40 Stat. 1941]. By its terms this amendment did not become effective unitl 1 year after ratification.

[13] The nineteenth amendment was proposed by Congress on June 4, 1919, when it passed the Senate [Cong. Rec. (66th Cong., 1st sess.) 635], having previously passed the House on May 21 [*Id.*, 94]. It appears officially in 41 Stat. 362. Ratification was completed on August 18, 1920, when the thirty-sixth State (Tennessee) approved the amendment, there being then 48 States in the Union. On August 26, 1920, Secretary of State Colby certified that it had become a part of the Constitution [41 Stat. 1823].

1919); Michigan, June 10, 1919; Wisconsin, June 10, 1919; Kansas, June 16, 1919; New York, June 16, 1919; Ohio, June 16, 1919; Pennsylvania, June 24, 1919; Massachusetts, June 25, 1919; Texas, June 28, 1919; Iowa, July 2, 1919 (date on which approved by Governor); Missouri, July 3, 1919; Arkansas, July 28, 1919; Montana, August 2, 1919 (date on which approved by Governor); Nebraska, August 2, 1919; Minnesota, September 8, 1919; New Hampshire, September 10, 1919 (date on which approved by Governor); Utah, October 2, 1919; California, November 1, 1919; Maine, November 5, 1919; North Dakota, December 1, 1919; South Dakota, December 4, 1919 (date on which certified); Colorado, December 15, 1919 (date on which approved by Governor); Kentucky, January 6, 1920; Rhode Island, January 6, 1920; Oregon, January 13, 1920; Indiana, January 16, 1920; Wyoming, January 27, 1920; Nevada, February 7, 1920; New Jersey, February 9, 1920; Idaho, February 11, 1920; Arizona, February 12, 1920; New Mexico, February 21, 1920 (date on which approved by Governor); Oklahoma, February 28, 1920; West Virginia, March 10, 1920; Washington, March 22, 1920; Tennessee, August 18, 1920; Connecticut, September 14, 1920 (confirmed September 21, 1920); Vermont, February 8, 1921; Delaware, March 6, 1923 (after having rejected it on June 2, 1920); Maryland, March 29, 1941 (after having rejected it on February 24, 1920, ratification certified on February 25, 1958); Virginia, February 21, 1952 (after having rejected it on February 12, 1920); Alabama, September 19, 1953 (after having rejected it on September 22, 1919); Florida, May 13, 1969; South Carolina, July 1, 1969 (after having rejected it on January 29, 1920); Georgia, February 20, 1970 (after having rejected it on July 24, 1919); Louisiana, June 11, 1970 (after having rejected it on July 1, 1920); North Carolina, May 6, 1971; Mississippi, March 2, 1984 (after having rejected it on March 29, 1920).

AMENDMENT [XX] 790

SECTION 1. The terms of the President and Vice-President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin. 790.1

SECTION 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day. 790.2

SECTION 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice-President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice-President elect shall act as President until a President shall have qualified; 790.3

and the Congress may by law provide for the case wherein neither a President elect nor a Vice-President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice-President shall have qualified.

790.4 SECTION 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice-President whenever the right of choice shall have devolved upon them.

790.5 SECTION 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

790.6 SECTION 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

The **twentieth amendment**[14] was ratified by the several State legislatures on the following dates: Virginia, March 4, 1932; New York, March 11, 1932; Mississippi, March 16, 1932; Arkansas, March 17, 1932; Kentucky, March 17, 1932; New Jersey, March 21, 1932; South Carolina, March 25, 1932; Michigan, March 31, 1932; Maine, April 1, 1932; Rhode Island, April 14, 1932; Illinois, April 21, 1932; Louisiana, June 22, 1932; West Virginia, July 30, 1932; Pennsylvania, August 11, 1932; Indiana, August 15, 1932; Texas, September 7, 1932; Alabama, September 13, 1932; California, January 4, 1933; North Carolina, January 5, 1933; North

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[14] The twentieth amendment was proposed by Congress on March 2, 1932, when it passed the Senate [Cong. Rec. (72d Cong., 1st sess.) 5086], having previously passed the House on March 1 [*Id.*, 5027]. It appears officially in 47 Stat. 745. Ratification was completed on January 23, 1933, when the thirty-sixth State approved the amendment, there being then 48 States in the Union. On February 6, 1933, Secretary of State Stimson certified that it had become a part of the Constitution [47 Stat. 2569].

A proposed amendment which would authorize Congress to limit, regulate, and prohibit the labor of persons under 18 years of age was passed by Congress on June 2, 1924. This proposal at the time it was submitted to the States was referred to as "the proposed 20th Amendment." It appears officially in 43 Stat. 670.

The status of this proposed amendment is a matter of conflicting opinion. The Kentucky Court of Appeals in Wise *v.* Chandler (270 Ky. 1 [1937]) has held that it is no longer open to ratification because: (1) Rejected by more than one-fourth of the States; (2) a State may not reject and then subsequently ratify, at least when more than one-fourth of the States are on record as rejecting; and (3) more than a reasonable time has elapsed since it was submitted to the States in 1924 (for subsequent litigation in the Chandler case see 303 U.S. 634 and 307 U.S. 474). The Kansas Supreme Court in Coleman *v.* Miller (146 Kan. 390 [1937]) came to the opposite conclusion.

On October 1, 1937, 27 States had ratified the proposed amendment. Of these States 10 had previously rejected the amendment on one or more occasions. At least 26 different States have at one time rejected the amendment.

Dakota, January 9, 1933; Minnesota, January 12, 1933; Arizona, January 13, 1933; Montana, January 13, 1933; Nebraska, January 13, 1933; Oklahoma, January 13, 1933; Kansas, January 16, 1933; Oregon, January 16, 1933; Delaware, January 19, 1933; Washington, January 19, 1933; Wyoming, January 19, 1933; Iowa, January 20, 1933; South Dakota, January 20, 1933; Tennessee, January 20, 1933; Idaho, January 21, 1933; New Mexico, January 21, 1933; Georgia, January 23, 1933; Missouri, January 23, 1933; Ohio, January 23, 1933; Utah, January 23, 1933; Colorado, January 24, 1933; Massachusetts, January 24, 1933; Wisconsin, January 24, 1933; Nevada, January 26, 1933; Connecticut, January 27, 1933; New Hampshire, January 31, 1933; Vermont, February 2, 1933; Maryland, March 24, 1933; Florida, April 26, 1933.

AMENDMENT [XXI] 791

SECTION 1. The eighteenth article of amendment to the Constitution of the United States is hereby repealed. 791.1

SECTION 2. The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited. 791.2

SECTION 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress. 791.3

The **twenty-first amendment**[15] was ratified by the several State conventions on the following dates: Michigan, April 10, 1933; Wisconsin, April 25, 1933; Rhode Island, May 8, 1933; Wyoming, May 25, 1933; New Jersey, June 1, 1933; Delaware, June 24, 1933; Indiana, June 26, 1933; Massachusetts, June 26, 1933; New York, June 27, 1933; Illinois, July 10, 1933; Iowa, July 10, 1933; Connecticut, July 11, 1933; New Hampshire, July 11, 1933; California, July 24, 1933; West Virginia, July 25, 1933; Arkansas, August 1, 1933; Oregon, August 7, 1933; Alabama, August 8, 1933; Tennessee, August 11, 1933; Missouri, August 29, 1933; Arizona, September 5, 1933; Nevada, September 5, 1933; Vermont, September 23, 1933; Colorado, September 26, 1933; Washington, October 3, 1933; Minnesota, October 10, 1933; Idaho, October 17, 1933; Maryland, October 18, 1933; Virginia, October 25, 1933; New Mexico, November 2, 1933; Florida, November 14, 1933; Texas, November 24, 1933; Kentucky, November 27, 1933; Ohio, December 5, 1933; Pennsylvania, December 5, 1933; Utah, December 5, 1933; Maine, December 6, 1933; Montana, August 6, 1934.

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[15] The twenty-first amendment was proposed by Congress on February 20, 1933, when it passed the House [76 Cong. Rec. (72d Cong., 2d sess.) 4516], having previously passed the Senate on February 16 [*Id.*, 4231]. It appears officially in 47 Stat. 1625. Ratification was completed on December 5, 1933, when the thirty-sixth State (Utah) approved the amendment, there being then 48 States in the Union. On December 5, 1933, Acting Secretary of State Phillips certified that it had been adopted by the requisite number of States [48 Stat. 1749].

The amendment was rejected by a convention in the State of South Carolina, on December 4, 1933. The electorate of the State of North Carolina voted against holding a convention at a general election held on November 7, 1933.

792 AMENDMENT [XXII]

792.1 SECTION 1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative, from holding the office of President or acting as President during the remainder of such term.

792.2 SECTION 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

The **twenty-second amendment** [16] was ratified by the several State legislatures on the following dates: Maine, March 31, 1947; Michigan, March 31, 1947; Iowa, April 1, 1947; Kansas, April 1, 1947; New Hampshire, April 1, 1947; Delaware, April 2, 1947; Illinois, April 3, 1947; Oregon, April 3, 1947; Colorado, April 12, 1947; California, April 15, 1947; New Jersey, April 15, 1947; Vermont, April 15, 1947; Ohio, April 16, 1947; Wisconsin, April 16, 1947; Pennsylvania, April 29, 1947; Connecticut, May 21, 1947; Missouri, May 22, 1947; Nebraska, May 23, 1947; Virginia, January 28, 1948; Mississippi, February 12, 1948; New York, March 9, 1948; South Dakota, January 21, 1949; North Dakota, February 25, 1949; Louisiana, May 17, 1950; Montana, January 25, 1951; Indiana, January 29, 1951; Idaho, January 30, 1951; New Mexico, February 12, 1951; Wyoming, February 12, 1951; Arkansas, February, 15, 1951; Georgia, February 17, 1951; Tennessee, February 20, 1951; Texas, February 22, 1951; Utah, February 26, 1951; Nevada, February 26, 1951; Minnesota, February 27, 1951; North Carolina, February 28, 1951; South Carolina, March 13, 1951; Maryland, March 14, 1951; Florida, April 16, 1951; Alabama, May 4, 1951. The amendment was rejected (and not subsequently ratified) by Oklahoma in June 1947, and Massachusetts on June 9, 1949.

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[16] The twenty-second amendment was proposed by Congress on March 24, 1947, when the House agreed to Senate amendment [93 Cong. Rec. (80th Cong., 1st sess.) 2389], having previously been passed in the House of Representatives on February 6, 1947 [93 Cong. Rec. (80th Cong., 1st sess.) 872], and in the Senate on March 12, 1947, with an amendment [93 Cong. Rec. (80th Cong., 1st sess.) 1978]. Ratification was completed on February 27, 1951, when the legislature of the thirty-sixth State (Minnesota) approved the amendment, there being then forty-eight States in the Union. On March 1, 1951, the Administrator of General Services, Jess Larson, certified that this amendment had become a part of the Constitution.

AMENDMENT [XXIII] 793

SECTION 1. The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct: 793.1

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation. 793.2

The **twenty-third amendment**[17] was ratified by the several State legislatures on the following dates: Hawaii, June 23, 1960 (technical correction, June 30, 1960); Massachusetts, August 22, 1960; New Jersey, December 19, 1960; New York, January 17, 1961; California, January 19, 1961; Oregon, January 27, 1961; Maryland, January 30, 1961; Idaho, January 31, 1961; Maine, January 31, 1961; Minnesota, January 31, 1961; New Mexico, February 1, 1961; Nevada, February 2, 1961; Montana, February 6, 1961; Colorado, February 8, 1961; Washington, February 9, 1961; West Virginia, February 9, 1961; Alaska, February 10, 1961; Wyoming, February 13, 1961; South Dakota, February 14, 1961 (date of filing in Office of Secretary of State of South Dakota); Delaware, February 20, 1961; Utah, February 21, 1961; Wisconsin, February 21, 1961; Pennsylvania, February 28, 1961; Indiana, March 3, 1961; North Dakota, March 3, 1961; Tennessee, March 6, 1961; Michigan, March 8, 1961; Connecticut, March 9, 1961; Arizona, March 10, 1961; Illinois, March 14, 1961; Nebraska, March 15, 1961; Vermont, March 15, 1961; Iowa, March 16, 1961; Missouri, March 20, 1961; Oklahoma, March 21, 1961; Rhode Island, March 22, 1961; Kansas, March 29, 1961; Ohio, March 29, 1961; New Hampshire, March 30, 1961 (date in official notice; preceded by ratification on March 29, 1961, which was annulled and repealed March 30). Arkansas rejected the proposal on January 24, 1961.

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[17] The twenty-third amendment was proposed by Congress on June 16, 1960, when the Senate agreed to S.J. Res. 39, 86th Cong., as passed by the House of Representatives on June 14; which action consisted of substituting H.J. Res. 757 for the original text of S.J. Res. 39 [106 Cong. Rec. (86th Cong., 2d sess.) 12571]. S.J. Res. 39 as approved by the Senate on February 2, 1960 [106 Cong. Rec. (86th Cong., 2d sess.) 12850-58], for the first time since 1789, proposed several unrelated articles of amendment, though several amendments cover several points in sections of an article; as finally proposed it dealt with a single matter. It appears officially in 74 Stat. 1057 under date of June 16, 1960. Ratification was completed on March 29, 1961, when the legislature of the thirty-eighth State (Ohio) approved the amendment, there being then fifty States in the Union. The identity of the thirty-eighth State was in doubt until New Hampshire by "official notice" determined March 30 as the date of its ratification. On April 3, 1961, the Administrator of General Services, John L. Moore, certified that this amendment had become a part of the Constitution (26 F.R. 2808 and 75 Stat. 847).

794 AMENDMENT [XXIV]

794.1 SECTION 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

794.2 SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

The **twenty-fourth amendment**[18] was ratified by the several State legislatures on the following dates: Illinois, November 14, 1962; New Jersey, December 3, 1962; Oregon, January 25, 1963; Montana, January 28, 1963; West Virginia, February 1, 1963; New York, February 4, 1963; Maryland, February 6, 1963; California, February 7, 1963; Alaska, February 11, 1963; Rhode Island, February 14, 1963; Indiana, February 19, 1963; Utah, February 20, 1963; Michigan, February 20, 1963; Colorado, February 21, 1963; Ohio, February 27, 1963; Minnesota, February 27, 1963; New Mexico, March 5, 1963; Hawaii, March 6, 1963; North Dakota, March 7, 1963; Idaho, March 8, 1963; Washington, March 14, 1963; Vermont, March 15, 1963; Nevada, March 19, 1963; Connecticut, March 20, 1963; Tennessee, March 21, 1963; Pennsylvania, March 25, 1963; Wisconsin, March 26, 1963; Kansas, March 28, 1963; Massachusetts, March 28, 1963; Nebraska, April 4, 1963; Florida, April 18, 1963; Iowa, April 24, 1963; Delaware, May 1, 1963; Missouri, May 13, 1963; New Hampshire, June 12, 1962; Kentucky, June 27, 1963; Maine, January 16, 1964; South Dakota, January 23, 1964; Virginia, February 25, 1977. Mississippi rejected the proposal on December 20, 1962.

795 AMENDMENT [XXV]

795.1 SECTION 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

795.2 SECTION 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

795.3 SECTION 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

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[18] The twenty-fourth amendment was proposed by Congress on August 27, 1962, when it passed the House [108 Cong. Rec. (87th Cong., 2d sess.) 1767], having previously passed the Senate on March 27, 1962 [*Id.*, 5105]. It appears officially in 76 Stat. 1259 under date of August 29, 1962. Ratification was completed on January 23, 1964, when the legislature of the thirty-eighth State (South Dakota) approved the amendment, there being then fifty States in the Union. On February 4, 1964, the Administrator of General Services, Bernard L. Boutin, certified that this amendment had become a part of the Constitution (29 F.R. 1715).

SECTION 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President. **795.4**

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

The **twenty-fifth amendment**[19] was ratified by the several State legislatures on the following dates: Nebraska, July 12, 1965; Wisconsin, July 13, 1965; Oklahoma, July 16, 1965; Massachusetts, August 9, 1965; Pennsylvania, August 18, 1965; Kentucky, September 15, 1965; Arizona, September 22, 1965; Michigan, October 5, 1965; Indiana, October 20, 1965; California, October 21, 1965; Arkansas, November 4, 1965; New Jersey, November 29, 1965; Delaware, December 7, 1965; Utah, January 17, 1966; West Virginia, January 20, 1966; Maine, January 24, 1966; Rhode Island, January 28, 1966; Colorado, February 3, 1966; New Mexico, February 3, 1966; Kansas, February 8, 1966; Vermont, February 10, 1966; Alaska, February 18, 1966; Idaho, March 2, 1966; Hawaii, March 3, 1966; Virginia, March 8, 1966; Mississippi, March 10, 1966; New York, March 14, 1966; Maryland, March 23, 1966; Missouri, March 30, 1966; New Hampshire, June 13, 1966; Louisiana, July 5, 1966; Tennessee, January 12, 1967; Wyoming, January 25, 1967; Washington, January 26, 1967; Iowa, January 26, 1967; Oregon, February 2, 1967; Minnesota, February 10, 1967; Nevada, February 10, 1967; Connecticut, February 14, 1967; Montana, February 15, 1967; South Dakota, March 6, 1967; Ohio, March 7,

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[19] The twenty-fifth amendment was proposed by Congress on July 6, 1965, when the Senate agreed to a conference report, to which the House had previously agreed on June 30, 1965. It appears officially in 79 Stat. 1327. Ratification was completed on February 10, 1967, when the legislature of the thirty-eighth State (Nevada) approved the amendment, there being then fifty States in the Union. On February 23, 1967, the Administrator of General Services, Lawson B. Knott, Jr., certified that this amendment had become a part of the Constitution (32 F.R. 3287).

1967; Alabama, March 14, 1967; North Carolina, March 22, 1967; Illinois, March 22, 1967; Texas, April 25, 1967; Florida, May 25, 1967.

796 AMENDMENT [XXVI]

796.1 SECTION 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

796.2 SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

The **twenty-sixth amendment**[20] was ratified by the several State legislatures on the following dates: Connecticut, March 23, 1971; Delaware, March 23, 1971; Minnesota, March 23, 1971; Tennessee, March 23, 1971; Washington, March 23, 1971; Hawaii, March 24, 1971; Massachusetts, March 24, 1971; Montana, March 29, 1971; Arkansas, March 30, 1971; Idaho, March 30, 1971; Iowa, March 30, 1971; Nebraska, April 2, 1971; New Jersey, April 3, 1971; Kansas, April 7, 1971; Michigan, April 7, 1971; Alaska, April 8, 1971; Maryland, April 8, 1971; Indiana, April 8, 1971; Maine, April 9, 1971; Vermont, April 16, 1971; Louisiana, April 17, 1971; California, April 19, 1971; Colorado, April 27, 1971; Pennsylvania, April 27, 1971; Texas, April 27, 1971; South Carolina, April 28, 1971; West Virginia, April 28, 1971; New Hampshire, May 13, 1971; Arizona, May 14, 1971; Rhode Island, May 27, 1971; New York, June 2, 1971; Oregon, June 4, 1971; Missouri, June 14, 1971; Wisconsin, June 22, 1971; Illinois, June 29, 1971; Alabama, June 30, 1971; Ohio, June 30, 1971; North Carolina, July 1, 1971; Oklahoma, July 1, 1971; Virginia, July 8, 1971; Wyoming, July 8, 1971; Georgia, October 4, 1971.

797 RATIFICATION OF THE CONSTITUTION

The Constitution was adopted by a convention of the States September 17, 1787, and was subsequently ratified by the several States, in the following order, viz:

Delaware, December 7, 1787, yeas, 30 (unanimous).
Pennsylvania, December 12, 1787, yeas, 46; nays, 23.
New Jersey, December 18, 1787, yeas, 38 (unanimous).
Georgia, January 2, 1788, yeas, 26 (unanimous).
Connecticut, January 9, 1788, yeas, 128; nays, 40.
Massachusetts, February 6, 1788, yeas, 187; nays, 168.
Maryland, April 28, 1788, yeas, 63; nays, 11.
South Carolina, May 23, 1788, yeas, 149; nays, 73.

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[20] The twenty-sixth amendment was proposed by Congress on March 23, 1971, when it passed the House [117 Cong. Rec. (92d Cong., 1st sess.) 7570], having previously passed the Senate on March 10, 1971 [*Id.,* 5830]. It appears officially in 85 Stat. 825. Ratification was completed on July 1, 1971, when the legislature of the thirty-eighth State (North Carolina) approved the amendment, there being then fifty States in the Union. On July 5, 1971, the Administrator of General Services, Robert L. Kunzig, certified that this amendment had become a part of the Constitution (36 F.R. 12725).

New Hampshire, June 21, 1788, yeas, 57; nays, 46.
Virginia, June 25, 1788, yeas, 89; nays, 79.
New York, July 26, 1788, yeas, 30; nays, 27.
North Carolina, November 21, 1789, yeas, 184; nays, 77.
Rhode Island, May 29, 1790, yeas, 34; nays, 32.

[797.5]

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STATISTICAL DATA

PRESIDENTS PRO TEMPORE OF THE SENATE

FROM THE FIRST CONGRESS TO BEGINNING OF FIRST SESSION OF THE ONE HUNDRED FIRST CONGRESS

[In earlier years the appointment or election of a President pro tempore was held by the Senate to be for the occasion only, so that more than one appears in several sessions and in others none were chosen. Since Mar. 12, 1890, however, they have served until "the Senate otherwise ordered."]

Congress	Name of President pro tempore	State	Elected
First	John Langdon	New Hampshire	Apr. 6, 1789.
Second	Richard Henry Lee	Virginia	Apr. 18, 1792.
Do	John Langdon	New Hampshire	Nov. 5, 1792. Mar. 1, 1793.
Third	Ralph Izard [1]	South Carolina	May 31, 1794.
Do	Henry Tazewell	Virginia	Feb. 20, 1795.
Fourth	do	do	Dec. 7, 1795.
Do	Samuel Livermore	New Hampshire	May 6, 1796.
Do	William Bingham	Pennsylvania	Feb. 16, 1797.
Fifth	William Bradford	Rhode Island	July 6, 1797.
Do	Jacob Read	South Carolina	Nov. 22, 1797.
Do	Theodore Sedgwick	Massachusetts	June 27, 1798.
Do	John Laurance	New York	Dec. 6, 1798.
Do	James Ross	Pennsylvania	Mar. 1, 1799.
Sixth	Samuel Livermore	New Hampshire	Dec. 2, 1799.
Do	Uriah Tracy	Connecticut	May 14, 1800.
Do	John E. Howard	Maryland	Nov. 21, 1800.
Do	James Hillhouse	Connecticut	Feb. 28, 1801.
Seventh	Abraham Baldwin	Georgia	Dec. 7, 1801. Apr. 17, 1802.
Do	Stephen R. Bradley	Vermont	Dec. 14, 1802. Feb. 25, 1803. Mar. 2, 1803.
Eighth	John Brown	Kentucky	Oct. 17, 1803. Jan. 23, 1804.
Do	Jesse Franklin	North Carolina	Mar. 10, 1804.
Do	Joseph Anderson	Tennessee	Jan. 15, 1805. Feb. 28, 1805. Mar. 2, 1805.
Ninth	Samuel Smith	Maryland	Dec. 2, 1805 Mar. 18, 1806. Mar. 2, 1807.
Tenth	do	do	Apr. 16, 1808.
Do	Stephen R. Bradley	Vermont	Dec. 28, 1808.
Do	John Milledge	Georgia	Jan. 30, 1809.

See footnotes at end of table.

Congress	Name of President pro tempore	State	Elected
Eleventh	Andrew Gregg	Pennsylvania	June 26, 1809.
Do	John Gaillard	South Carolina	Feb. 28, 1810. Reelected Apr. 17, 1810.
Do	John Pope	Kentucky	Feb. 23, 1811.
Twelfth	William H. Crawford	Georgia	Mar. 24, 1812.
Thirteenth	Joseph B. Varnum	Massachusetts	Dec. 6, 1813.
Do	John Gaillard	South Carolina	Apr. 18, 1814. Nov. 25, 1814, upon the death of Vice President Elbridge Gerry.[2]
Fourteenth	do	do	Mar. 6, 1817. Mar. 31, 1818.
Fifteenth	do.[3]	do	
Do	James Barbour	Virginia	Feb. 15, 1819.
Sixteenth	do	do	
Do	John Gaillard	South Carolina	Jan. 25, 1820.
Seventeenth	do	do	Feb. 1, 1822. Feb. 19, 1823.
Eighteenth	do	do	May 21, 1824.
Nineteenth	do.[4]	do	Mar. 9, 1825.
Do	Nathaniel Macon	North Carolina	May 20, 1826. Jan. 2, 1827. Mar. 2, 1827.
Twentieth	Samuel Smith[5]	Maryland	May 15, 1828.
Twenty-first	do	do	Mar. 13, 1829.[4] May 29, 1830. Mar. 1, 1831.[6]
Twenty-second	Littleton W. Tazewell	Virginia	July 9, 1832.
Do	Hugh L. White	Tennessee	Dec. 3, 1832.
Twenty-third	do	do	
Do	George Poindexter	Mississippi	June 28, 1834.
Do	John Tyler	Virginia	Mar. 3, 1835.
Twenty-fourth	William R. King	Alabama	July 1, 1836. Jan. 28, 1837.
Twenty-fifth	do	do	Mar. 7, 1837.[4] Oct. 13, 1837. July 2, 1838. Feb. 25, 1839.
Twenty-sixth	do.[7]	do	July 3, 1840. Mar. 3, 1841.
Twenty-seventh	William R. King[4]	Alabama	Mar. 4, 1841.
Do	Samuel L. Southard[8]	New Jersey	Mar. 11, 1841.
Do	Willie P. Mangum	North Carolina	May 31, 1842.
Twenty-eighth	do	do	
Twenty-ninth	Ambrose H. Sevier[9]	Arkansas	Dec. 27, 1845.
Do	David R. Atchison	Missouri	Aug. 8, 1846. Jan. 11, 1847. Mar. 3, 1847.
Thirtieth	do	do	Feb. 2, 1848. June 1, 1848. June 26, 1848. July 29, 1848. Dec. 26, 1848. Mar. 2, 1849.
Thirty-first	David R. Atchison[4]	Missouri	Mar. 5, 1849. Mar. 16, 1849.
Do	William R. King	Alabama	May 6, 1850. July 11, 1850.
Thirty-second	do.[10]	do	

See footnotes at end of table.

Congress	Name of President pro tempore	State	Elected
Thirty-second	David R. Atchison	Missouri	Dec. 20, 1852.
Thirty-third	do.[4]	do	Mar. 4, 1853.
Do	Lewis Cass[11]	Michigan	Dec. 4, 1854.
Do	Jesse D. Bright	Indiana	Dec. 5, 1854.
Thirty-fourth	do.[12]	do	June 11, 1856.
Do	Charles E. Stuart[13]	Michigan	June 9, 1856.
Do	James M. Mason[14]	Virginia	Jan. 6, 1857.
Thirty-fifth	do.[4]	do	Mar. 4, 1857.
Do	Thomas J. Rusk[4]	Texas	Mar. 14, 1857.
Do	Benjamin Fitzpatrick	Alabama	Dec. 7, 1857.
			Mar. 29, 1858.
			June 14, 1858.
			Jan. 25, 1859.
Thirty-sixth	do	do	Mar. 9, 1859.[4]
			Dec. 19, 1859.
			Feb. 20, 1860.[4]
			June 26, 1860.
Do	Jesse D. Bright	Indiana	June 12, 1860.
Do	Solomon Foot	Vermont	Feb. 16, 1861.
Thirty-seventh	Solomon Foot	do	Mar. 23, 1861.[4]
			July 18, 1861.
			Jan. 15, 1862.
			Mar. 31, 1862.
			June 19. 1862.
			Feb. 18, 1863.
Thirty-eighth	do	do	Mar. 4, 1863.[4]
			Dec. 18, 1863.
			Feb. 23, 1864.
			Apr. 11, 1864.
Do	Daniel Clark	New Hampshire	Apr. 26, 1864.
			Feb. 9, 1865.
Thirty-ninth	Layfayette S. Foster[15]	Connecticut	Mar. 7, 1865.
Do	Benjamin F. Wade	Ohio	Mar. 2, 1867.
Fortieth	do	do	
Forty-first	Henry B. Anthony	Rhode Island	Mar. 23, 1869.
			Apr. 9, 1869.
			May 28, 1870.
			July 1, 1870.
			July 14, 1870.
Forty-second	do	do	Mar. 10, 1871.
			Apr. 17, 1871.
			May 23, 1871.[4]
			Dec. 21, 1871.
			Feb. 23, 1872.
			June 8, 1872.
Do	do	do	Dec. 4, 1872.
			Dec. 13, 1872.
			Dec. 20, 1872.
			Jan. 24, 1873.
Forty-third	Matthew H. Carpenter	Wisconsin	Mar. 12, 1873.[4]
			Mar. 26, 1873.[4]
			Dec. 11, 1873.
			Dec. 23, 1874.
Do	Henry B. Anthony	Rhode Island	Jan. 23, 1875.
			Feb. 15, 1875.

See footnotes at end of table.

Congress	Name of President pro tempore	State	Elected
Forty-fourth	Thomas W. Ferry	Michigan	Mar. 9, 1875.[4]
			Mar. 19, 1875.[4]
			Dec. 20, 1875.
Forty-fifth	do	do	Mar. 5, 1877.[4]
			Feb. 26, 1878.
			Apr. 17, 1878.
			Mar. 3, 1879.
Forty-sixth	Allen G. Thurman	Ohio	Apr. 15, 1879.
			Apr. 7, 1880.
			May 6, 1880.
Forty-seventh	Thomas F. Bayard	Delaware	Oct. 10, 1881.[4]
Do	David Davis[16]	Illinois	Oct. 13, 1881.
Do	George F. Edmunds	Vermont	Mar. 3, 1883.
Forty-eighth	do.[17]	do	Jan. 14, 1884.
Forty-ninth	John Sherman[18]	Ohio	Dec. 7, 1885.
Do	John J. Ingalls	Kansas	Feb. 25, 1887.
Fiftieth	do	do	
Fifty-first	do	do	Mar. 7, 1889.[4]
			Apr. 2, 1889.[4]
			Feb. 28, 1890.
			Apr. 3, 1890.[19]
Do	Charles F. Manderson	Nebraska	Mar. 2, 1891.
Fifty-second	do	do	
Fifty-third	do.[20]	do	
Do	Isham G. Harris[4]	Tennessee	Mar. 22, 1893.
Do	Matt W. Ransom[21]	North Carolina	Jan. 7, 1895.
Do	Isham G. Harris	Tennessee	Jan. 10, 1895.
Fifty-fourth	William P. Frye	Maine	Feb. 7, 1896.
Fifty-fifth	do	do	
Fifty-sixth	do	do	
Fifty-seventh	do	do	Mar. 7, 1901.[4]
Fifty-eighth	do	do	
Fifty-ninth	do	do	
Sixtieth	do	do	Dec. 5, 1907.
Sixty-first	do	do	
Sixty-second	do.[22]	do	
Do	Charles Curtis[23]	Kansas	Dec. 4, 1911.
Do	Augustus O. Bacon[24]	Georgia	Jan. 15, 1912.
Do	Jacob H. Gallinger[25]	New Hampshire	Feb. 12, 1912.
Do	Henry Cabot Lodge[26]	Massachusetts	Mar. 25, 1912.
Do	Frank B. Brandegee[27]	Connecticut	May 25, 1912.
Sixty-third	James P. Clarke	Arkansas	Mar. 13, 1913.[4]
Sixty-fourth	do.[28]	do	Dec. 6, 1915.
Do	Willard Saulsbury	Delaware	Dec. 14, 1916.
Sixty-fifth	do	do	
Sixty-sixth	Albert B. Cummins	Iowa	May 19, 1919.
Sixty-seventh	do	do	Mar. 7, 1921.[4]
Sixty-eighth	do	do	
Sixty-ninth	do	do	
Do	George H. Moses	New Hampshire	Mar. 6, 1925.[4]
Seventieth	do	do	Dec. 15, 1927.
Seventy-first	do	do	
Seventy-second	do	do	
Seventy-third	Key Pittman	Nevada	Mar. 9, 1933.
Seventy-fourth	do	do	Jan. 7, 1935.
Seventy-fifth	do	do	
Seventy-sixth	do.[29]	do	
Do	William H. King	Utah	Nov. 19, 1940.

See footnotes at end of table.

Congress	Name of President pro tempore	State	Elected
Seventy-seventh	Pat Harrison [30]	Mississippi	Jan. 6, 1941.
Do	Carter Glass	Virginia	July 10, 1941.
Seventy-eighth	do	do	Jan. 5, 1943.
Seventy-ninth	Kenneth McKellar	Tennessee	Jan. 6, 1945.
Eightieth	Arthur H. Vandenberg	Michigan	Jan. 4, 1947.
Eighty-first	Kenneth McKellar	Tennessee	Jan. 3, 1949.
Eighty-second	do	do	
Eighty-third	Styles Bridges	New Hampshire	Jan. 3, 1953.
Eighty-fourth	Walter F. George	Georgia	Jan. 5, 1955.
Eighty-fifth	Carl Hayden	Arizona	Jan. 3, 1957.
Eighty-sixth	do	do	
Eighty-seventh	do	do	
Eighty-eighth	do	do	
Eighty-ninth	do	do	
Ninetieth	do	do	
Ninety-first	Richard B. Russell [31]	Georgia	Jan. 3, 1969.
Ninety-second	do	do	
Do	Allen J. Ellender [32]	Louisiana	Jan. 22, 1971.
Do	James O. Eastland	Mississippi	July 28, 1972.
Ninety-third	do	do	
Ninety-fourth	do	do	
Ninety-fifth	do	do	
Ninety-sixth	Warren G. Magnuson	Washington	Jan. 15, 1979.
Do	Milton R. Young [33]	North Dakota	Dec. 4, 1980.
Ninety-seventh	Strom Thurmond	South Carolina	Jan. 5, 1981.
Ninety-eighth	do	do	
Ninety-ninth	do	do	
One-hundredth	John C. Stennis	Mississippi	Jan. 6, 1987.
One-hundred-first	Robert C. Byrd	West Virginia	Jan. 3, 1989.

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[1] Samuel Livermore was elected Feb. 20, 1795, but declined.

[2] Vice President Gerry died in preceding Congress.

[3] Continuing from preceding session; elected Mar. 6, 1817 (special session of the Senate).

[4] Special session of the Senate.

[5] Nathaniel Macon, of North Carolina, was first elected on the same day, but declined to serve.

[6] Littleton W. Tazewell, of Virginia, was first elected, but declined to serve.

[7] Continuing from preceding session.

[8] Special session of the Senate. Resigned as President pro tempore May 31, 1842.

[9] Served as President pro tempore 1 day, under designation by the Vice President.

[10] Resigned as President pro tempore Dec. 20, 1852.

[11] For 1 day only.

[12] Continued from preceding Congress.

[13] Served June 5, 1856; resigned June 11, 1856.

[14] Served Jan. 5, 1856.

[15] Special session of the Senate. Elected "to serve in the absence of the Vice President" and served until Mar. 2, 1867.

[16] Special session of the Senate. Resigned Mar. 3, 1883.

[17] Reelected.

[18] Resigned, effective Feb. 26, 1887.

[19] Resigned as President pro tempore, effective Mar. 2, 1891.

[20] Resigned as President pro tempore Mar. 22, 1893.

[21] Resigned as President pro tempore Jan. 10, 1895.

[22] Resigned as President pro tempore Apr. 27, 1911.

[23] Elected to serve Dec. 4 to 12, 1911.

[24] Elected to serve Jan. 15 to 17, Mar. 11 and 12, Apr. 8, May 10, May 30 to June 3, June 13 to July 5, Aug. 1 to 10, and Aug. 27 to Dec. 15, 1912; Jan. 5 to 18 and Feb. 2 to 15, 1913.

[25] Elected to serve Feb. 12 to 14, Apr. 26 and 27, May 7, July 6 to 31, Aug. 12 to 26, 1912; Dec. 16, 1912, to Jan. 4, 1913; Jan 19 to Feb. 1 and Feb. 16 to Mar. 3, 1913.

[26] Elected to serve Mar. 25 and 26, 1912.

[27] Elected to serve May 25, 1912.

[28] Died Oct. 1, 1916.

[29] Died Nov. 10, 1940.

[30] Died June 22, 1941.

[31] Died Jan. 21, 1971.

[32] Died July 27, 1972.

[33] Elected to serve for one day only (Dec. 5, 1980).

798.3

DEPUTY PRESIDENT PRO TEMPORE OF THE SENATE[1]

Congress	Name	State	Elected
95th	Hubert H. Humphrey[2]	Minnesota	Jan. 11, 1977 (effective Jan. 5, 1977).
100th[3]	George J. Mitchell	Maine	Jan. 28, 1987.

[1] This office was established by S. Res. 17, 95-1, agreed to Jan. 10, 1977 (effective Jan. 5, 1977). The resolution provided that "[a]ny Member of the Senate who has held the Office of President of the United States or Vice President of the United States shall be a Deputy President pro tempore".

[2] Died Jan. 13, 1978.

[3] S. Res. 90, 100-1, agreed to Jan. 28, 1987, provided that in addition to Senators who hold the Office of Deputy President pro tempore under authority of S. Res. 17, 95-1, any other Member of the Senate designated by Senate resolution shall hold the office at the pleasure of the Senate during the 100th Congress. Senator Mitchell was so designated by S. Res. 91, agreed to the same date.

798.5

PERMANENT ACTING PRESIDENT PRO TEMPORE OF THE SENATE[1]

Congress	Name	State	Elected
88th-95th	Lee Metcalf[2]	Montana	Feb. 7, 1964.

[1] Development of this office started in 1963 upon adoption of S. Res. 232 and S. Res. 238, making Senator Metcalf Permanent Acting President pro tempore from Dec. 9, 1963, until meeting of the second regular session of the 88th Congress. On Feb. 7, 1964, S. Res. 296 was adopted authorizing Senator Metcalf "to perform the duties of the Chair as Acting President pro tempore until otherwise ordered by the Senate."

[2] Died Jan. 12, 1978.

SENATORS OF THE UNITED STATES

FROM THE FIRST CONGRESS TO THE BEGINNING OF THE FIRST SESSION OF THE ONE HUNDRED FIRST CONGRESS

CLASSIFICATION OF SENATORS

Under Article I, section 3, clause 2, of the Constitution of the United States, relating to the classification of Senators in the First and succeeding Congresses, it was provided that, "Immediately after they shall be assembled in consequence of the first election they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year." The classification of the Senators of the First Congress was made in accordance with this provision by lot. The following table shows the classes to which the Senators of the First Congress, and from States subsequently admitted into the Union, were severally assigned, and the succession in each State to the beginning of the first session of the Ninety-eighth Congress.

TERMS OF SENATORS

Technically, pursuant to the Twentieth Amendment to the Constitution of the United States, ratified January 23, 1933, the terms of Members of the Senate commence at noon on the third day of January and end six years later at noon on the third day of January. In view of the impracticality of dealing with split days, however, it has been the long established practice for payment of salaries, computation of allowances, and recording of service to credit a Member for the full day of the third of January and to consider the term as ended at the close of business on the second of January six years later. Accordingly, the service of Members of the Senate is shown on that basis in the following tables.

TABLE OF SENATORS FROM THE FIRST CONGRESS TO THE FIRST SESSION OF THE ONE HUNDRED FIRST CONGRESS

ALABAMA

CLASS 2 800

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
16th-29th	William R. King	Dec. 14, 1819	Mar. 3, 1847	Res. Apr. 15, 1844.
28th	Dixon H. Lewis	Apr. 22, 1844	Dec. 9, 1844	By gov., to fill vac.
28th-32d	......do	Dec. 10, 1844	Mar. 3, 1953	Died Oct. 25, 1848.
30th-31st	Benjamin Fitzpatrick	Nov. 25, 1848	Nov. 30, 1849	By gov., to fill vac.
31st-32d	Jeremiah Clemens	Nov. 30, 1849	Mar. 3, 1853	
33d-38th	Clement Claiborne Clay, Jr.[1].	Mar. 4, 1853	Mar. 3, 1865	
40th-41st	Willard Warner[2]	June 25, 1868	Mar. 3, 1871	
42d-44th	George Goldthwaite[3]	Mar. 4, 1871	Mar. 3, 1877	
45th-62d	John T. Morgan	Mar. 4, 1877	Mar. 3, 1913	Died June 11, 1907.
60th	John H. Bankhead[4]	June 18, 1907	July 15, 1907	
60th-68th	......do	July 16, 1907	Mar. 3, 1925	Died Mar. 1, 1920.
66th	Braxton B. Comer	Mar. 5, 1920	Nov. 2, 1920	By gov., to fill vac.
66th-71st	J. Thomas Heflin	Nov. 2, 1920	Mar. 3, 1931	
72d-80th	John H. Bankhead, 2d	Mar. 4, 1931	Jan. 2, 1949	Died June 12, 1946.
79th	George R. Swift[5]	June 15, 1946	Nov. 5, 1946	
79th-95th	John Sparkman[6]	Nov. 6, 1946	Jan. 2, 1979	
96th-101st	Howell Heflin	Jan. 3, 1979	Jan. 2, 1991	

CLASS 3 801

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
16th-18th	John W. Walker	Dec. 14, 1819	Mar. 3, 1825	Res. Dec. 12, 1822.
17th-18th	William Kelly	Dec. 12, 1822	Do.	
19th-21st	Henry H. Chambers	Mar. 4, 1825	Mar. 3, 1831	Died Jan. 25, 1826.
19th	Israel Pickens	Feb. 17, 1826	Nov. 27, 1826	By gov., to fill vac.
19th-21st	John McKinley	Nov. 27, 1826	Mar. 3, 1831	
22d-24th	Gabriel Moore	Mar. 4, 1831	Mar. 3, 1837	
25th	John McKinley	Mar. 4, 1837	Mar. 3, 1843	Res. Apr. 22, 1837.
25th-27th	Clement Comer Clay	June 19, 1837	Do.	Res. Nov. 15, 1841.
27th-30th	Arthur P. Bagby	Nov. 24, 1841	Mar. 3, 1849	Res. June 16, 1848
30th	William R. King	July 1, 1848	Do.	By gov., to fill vac.
31st-33d	......do	Mar. 4, 1849	Mar. 3, 1855	Res. Dec. 20, 1852.
32d-33d	Benjamin Fitzpatrick	Jan. 14, 1853	Dec. 11, 1853	By gov., to fill vac.
33d-36th	......do.[7]	Dec. 12, 1853	Mar. 3, 1861	
40th-45th	George E. Spencer[8]	June 25, 1868	Mar. 3, 1879	
46th-48th	George S. Houston	Mar. 4, 1879	Mar. 3, 1885	Died Dec. 31, 1879.
46th	Luke Pryor	Jan. 7, 1880	Nov. 23, 1880	By gov., to fill vac.
46th-54th	James L. Pugh	Nov. 24, 1880	Mar. 3, 1897	
55th-60th	Edmund W. Pettus	Mar. 4, 1897	Mar. 3, 1909	Died July 27, 1907.
60th-63d	Joseph F. Johnston[9]	Aug. 6, 1907	Mar. 3, 1915	
63d	Francis S. White	May 11, 1914	Do.	
64th-69th	Oscar W. Underwood	Mar. 4, 1915	Mar. 3, 1927	
70th-75th	Hugo Black	Mar. 4, 1927	Jan. 3, 1939	Res. Aug. 19, 1937.
75th	Mrs. Dixie Bibb Graves[10]	Aug. 20, 1937	Do.	By gov., to fill vac.
75th-90th	Lister Hill[11]	Jan. 11, 1938	Jan. 2, 1969	
91st-96th	James B. Allen	Jan. 3, 1969	Jan. 2, 1981	Died June 1, 1978.
95th	Maryon Pittman Allen[12]	June 8, 1978	Nov. 7, 1978	
95th-96th	Donald W. Stewart[13]	Nov. 8, 1978	Jan. 2, 1981	
96th-99th	Jeremiah Denton[14]	Jan. 2, 1981	Jan. 2, 1987	
100th-102d	Richard C. Shelby	Jan. 3, 1987	Jan. 2, 1993	

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[1] Retired from the Senate Jan. 21, 1861. Seat declared vacant Mar. 14, 1861. Vacancy from Jan. 21, 1861, to June 25, 1868, because of Civil War.

[2] By legislature, to fill vacancy in term beginning Mar. 4, 1865.

Footnotes continue on next page.

ALABAMA—Continued

[3] Not sworn in until Jan. 15, 1872, because of protest.

[4] By governor, to fill vacancy; not sworn.

[5] By governor, to fill vacancy. Resigned Nov. 5, 1946.

[6] Elected Nov. 5, 1946, to fill vacancy in term ending Jan. 2, 1949.

[7] Retired from the Senate Jan. 21, 1861. Vacancy from Jan. 21, 1861, to June 25, 1868, because of Civil War.

[8] By legislature, to fill vacancy in term beginning Mar. 4, 1867.

[9] Died Aug. 8, 1913. Vacancy from Aug. 8, 1913, to May 11, 1914. Henry D. Clayton; appointed by governor Aug. 12, 1913, to fill vacancy; credentials withdrawn, Oct. 21, 1913, Frank P. Glass, appointed by governor Nov. 17, 1913, but by Senate resolution, Feb. 4, 1914, was declared not entitled to a seat.

[10] By governor, to fill vacancy. Resigned Jan. 10, 1938.

[11] Elected Apr. 26, 1938, to fill vacancy in term ending Jan. 3, 1939.

[12] By governor, to fill vacancy in term ending Jan. 2, 1981, until election held on Nov. 7, 1978.

[13] Elected Nov. 7, 1978, to complete vacancy in term ending Jan. 2, 1981. Resigned Jan. 1, 1981.

[14] By governor, to fill vacancy in term ending Jan. 2, 1981.

ALASKA

802 CLASS 2

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
86th-92d	E. L. Bartlett	Jan. 3, 1959	Jan. 2, 1973	Died Dec. 11, 1968.
90th-101st	Ted Stevens [1]	Dec. 24, 1968	Jan. 3, 1991	By gov., to fill vac.

803 CLASS 3

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
86th-90th	Ernest Gruening	Jan. 3, 1959	Jan. 2, 1969	
91st-96th	Mike Gravel	Jan. 3, 1969	Jan. 2, 1981	
97th-102d	Frank H. Murkowski	Jan. 3, 1981	Jan. 2, 1993	

[1] Elected Nov. 3, 1970, to fill vacancy in term ending Jan. 2, 1973.

ARIZONA

804 CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
62d-76th	Henry Fountain Ashurst	Mar. 27, 1912	Jan. 2, 1941	
77th-82d	Ernest W. McFarland	Jan. 3, 1941	Jan. 2, 1953	
83d-88th	Barry Goldwater	Jan. 3, 1953	Jan. 2, 1965	
89th-94th	Paul J. Fannin	Jan. 3, 1965	Jan. 2, 1977	
95th-103d	Dennis DeConcini	Jan. 3, 1977	Jan. 2, 1995	

805 CLASS 3

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
62d-66th	Marcus A. Smith	Mar. 27, 1912	Mar. 3, 1921	
67th-69th	Ralph H. Cameron	Mar. 4, 1921	Mar. 3, 1927	
70th-90th	Carl Hayden	Mar. 4, 1927	Jan. 2, 1969	
91st-99th	Barry Goldwater	Jan. 3, 1969	Jan. 2, 1987	
100th-102d	John S. McCain III	Jan. 3, 1987	Jan. 2, 1993	

ARKANSAS

806 CLASS 2

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
24th-29th	William S. Fulton	Sept. 18, 1836	Mar. 3, 1847	Died Aug. 15, 1844.
28th-32d	Chester Ashley	Nov. 8, 1844	Mar. 3, 1853	Died Apr. 29, 1848.
30th	William K. Sebastian	May 12, 1848	Nov. 16, 1848	By gov., to fill vac.

See footnotes at end of Alaska table.

ARKANSAS—Continued

CLASS 2—Continued

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
30th-38th	......do.[1]	Nov. 17, 1848	Mar. 3, 1865	
40th-41st	Alexander McDonald[2]	June 22, 1868	Mar. 3, 1871	
42d-44th	Powell Clayton	Mar. 14, 1871	Mar. 3, 1877	
45th-50th	Augustus H. Garland	Mar. 4, 1877	Mar. 3, 1889	Res. Mar. 6, 1885.
49th-59th	James H. Berry	Mar. 20, 1885	Mar. 3, 1907	
60th-62d	Jeff Davis	Mar. 4, 1907	Mar. 3, 1913	Died Jan. 3, 1913.
62d	John N. Heiskell	Jan. 6, 1913	Jan. 29, 1913	By gov., to fill vac.
Do	William M. Kavanaugh	Jan. 29, 1913	Mar. 3, 1913	
63d-77th	Joseph T. Robinson[3]	Mar. 4, 1913	Jan. 2, 1943	
75th-77th	John E. Miller[4]	Nov. 15, 1937	Do.	
77th	Lloyd Spencer	Apr. 1, 1941	Do.	By gov., to fill vac.
78th-95th	John L. McClellan	Jan. 3, 1943	Jan. 2, 1979	Died Nov. 28, 1977.
95th	Kaneaster Hodges, Jr.[5]	Dec. 10, 1977	Do.	
96th-101st	David H. Pryor	Jan. 3, 1979	Jan. 3, 1991	

CLASS 3 807

24th-30th	Ambrose H. Sevier	Sept. 18, 1836	Mar. 3, 1849	Res. Mar. 15, 1948.
30th	Solon Borland	Mar. 30, 1848	Nov. 16, 1848	By gov., to fill vac.
30th-33d	......do	Nov. 17, 1848	Mar. 3, 1855	Res. Apr. 3, 1853.
33d	Robert W. Johnson	July 6, 1853	Nov. 9, 1854	By gov., to fill vac.
33d-36th	......do	Nov. 10, 1854	Mar. 3, 1861	
37th-39th	Charles B. Mitchel[6]	Mar. 4, 1861	Mar. 3, 1867	
40th-42d	Benjamin F. Rice[7]	June 23, 1868	Mar. 3, 1873	
43d-45th	Stephen W. Dorsey	Mar. 4, 1873	Mar. 3, 1879	
46th-48th	James D. Walker	Mar. 4, 1879	Mar. 3, 1885	
49th-57th	James K. Jones	Mar. 4, 1885	Mar. 3, 1903	
58th-66th	James P. Clarke	Mar. 4, 1903	Mar. 2, 1921	Died Oct. 1, 1916.
64th-66th	William F. Kirby	Nov. 8, 1916	Do.	
67th-72d	Thaddeus H. Caraway	Mar. 4, 1921	Mar. 3, 1933	Died Nov. 6, 1931.
72d	Mrs. Hattie W. Caraway	Nov. 13, 1931	Jan. 12, 1932	By gov., to fill vac.
72d-78th	......do	Jan. 13, 1932	Jan. 2, 1945	
79th-93d	J. William Fulbright	Jan. 3, 1945	Jan. 2, 1975	Res. Dec. 31, 1974.
94th-102d	Dale Bumpers	Jan. 3, 1975	Jan. 2, 1993	

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[1] Expelled July 11, 1861. Vacancy from July 11, 1861, to June 22, 1868, because of Civil War.
[2] By legislature, to fill vacancy in term beginning Mar. 4, 1865.
[3] Elected Jan. 28, 1913. Took oath Mar. 10, 1913. Served as governor until Mar. 8, 1913. Died July 4, 1937. Vacancy from July 15 to Nov. 14, 1937.
[4] Elected Oct. 18, 1937. Served in House during interim. Resigned Mar. 31, 1941.
[5] By governor, to fill vacancy in term ending Jan. 2, 1979.
[6] Expelled July 11, 1861. Vacancy from July 11, 1861, to June 23, 1868, because of Civil War.
[7] By legislature, to fill vacancy in term beginning Mar. 4, 1867.

CALIFORNIA

CLASS 1 808

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
31st	John C. Fremont	Sept. 9, 1850	Mar. 3, 1851	
32d-34th	John B. Weller[1]	Jan. 30, 1852	Mar. 3, 1857	
35th-37th	David C. Broderick	Mar. 4, 1857	Mar. 3, 1863	Died Sept. 16, 1859.
36th	Henry P. Haun	Nov. 3, 1859	Mar. 4, 1860	By gov., to fill vac.
36th-37th	Milton S. Latham	Jan. 11, 1860	Mar. 3, 1863	
38th-40th	John Conness	Mar. 4, 1863	Mar. 3, 1869	
41st-43d	Eugene Casserly	Mar. 4, 1869	Mar. 3, 1875	Res. Nov. 29, 1873.
43d	John S. Hager	Dec. 23, 1873	Do.	
44th-46th	Newton Booth	Mar. 4, 1875	Mar. 3, 1881	
47th-49th	John F. Miller	Mar. 4, 1881	Mar. 3, 1887	Died Mar. 8, 1886.
49th	George Hearst	Mar. 23, 1886	Aug. 4, 1886	By gov., to fill vac.
Do	Abram P. Williams	Aug. 4, 1886	Mar. 3, 1887	
50th-52d	George Hearst	Mar. 4, 1887	Mar. 3, 1893	Died Feb. 28, 1891.
52d	Charles N. Felton	Mar. 19, 1891	Do.	
53d-55th	Stephen M. White[2]	Mar. 4, 1893	Mar. 3, 1899	

See footnotes at end of California table.

CALIFORNIA—Continued

CLASS 1—Continued

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
56th-58th	Thomas R. Bard	Feb. 7, 1900	Mar. 3, 1905	
59th-61st	Frank P. Flint	Mar. 4, 1905	Mar. 3, 1911	
62d-64th	John D. Works	Mar. 4, 1911	Mar. 3, 1917	
65th-79th	Hiram W. Johnson[3]	Mar. 4, 1917	Jan. 2, 1947	
78th-85th	Wm. F. Knowland[4]	Aug. 26, 1945	Jan. 2, 1959	
86th-88th	Clair Engle	Jan. 3, 1959	Jan. 2, 1965	Died July 30, 1964.
88th	Pierre Salinger[5]	Aug. 4, 1964	Dec. 31, 1964	By gov., to fill vac.
88th-91st	George Murphy[6]	Jan. 1, 1965	Jan. 2, 1971	Res. Jan. 2, 1971.
91st-94th	John V. Tunney[7]	Jan. 2, 1971	Jan. 2, 1977	Res. Jan. 1, 1977.
94th-97th	S. I. Hayakawa[8]	Jan. 2, 1977	Jan. 2, 1983	
98th-103d	Pete Wilson	Jan. 3, 1983	Jan. 2, 1995	

809 CLASS 3

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
31st-33d	William M. Gwin[9]	Sept. 9, 1850	Mar. 3, 1855	
34th-36th	......do	Jan. 13, 1857	Mar. 3, 1861	
37th-39th	James A. McDougall	Mar. 4, 1861	Mar. 3, 1867	
40th-42d	Cornelius Cole	Mar. 4, 1867	Mar. 3, 1873	
43d-45th	Aaron A. Sargent	Mar. 4, 1873	Mar. 3, 1879	
46th-48th	James T. Farley	Mar. 4, 1879	Mar. 3, 1885	
49th-54th	Leland Stanford	Mar. 4, 1885	Mar. 3, 1897	Died June 21, 1893.
53d	George C. Perkins	July 26, 1893	Jan. 22, 1895	By gov., to fill vac.
53d-63d	......do	Jan. 23, 1895	Mar. 3, 1915	
64th-66th	James D. Phelan	Mar. 4, 1915	Mar. 3, 1921	
67th-72d	Samuel M. Shortridge	Mar. 4, 1921	Mar. 3, 1933	
73d-75th	William Gibbs McAdoo	Mar. 4, 1933	Jan. 2, 1939	Res. Nov. 8, 1938.
75th	Thomas M. Storke	Nov. 9, 1938	Do.	By gov., to fill vac.
76th-81st	Sheridan Downey	Jan. 3, 1939	Jan. 2, 1951	Res. Nov. 30, 1950.
81st	Richard M. Nixon[10]	Dec. 4, 1950	Do.	
82d-84th	......do[11]	Jan. 3, 1951	Jan. 2, 1957	
83d-90th	Thomas H. Kuchel[12]	Jan. 2, 1953	Jan. 2, 1969	By gov., to fill vac.
91st-102d	Alan Cranston	Jan. 3, 1969	Jan. 2, 1993	

[1] Vacancy from Mar. 4, 1851, to Jan. 30, 1852.
[2] Vacancy from Mar. 4, 1899, to Feb. 7, 1900, because of failure of legislature to elect.
[3] Elected Nov. 7, 1916. Took oath Apr. 2, 1917. Governor during interim. Died Aug. 6, 1945.
[4] By governor, to fill vacancy. Elected Nov. 5, 1946, to fill vacancy in term ending Jan. 2, 1947, and also to fill term ending Jan. 2, 1953.
[5] Resigned Dec. 31, 1964.
[6] By governor, to fill vacancy in term ending Jan. 2, 1965.
[7] By governor, to fill vacancy in term ending Jan. 2, 1971.
[8] By governor, to fill vacancy in term ending Jan. 2, 1977.
[9] Vacancy from Mar. 4, 1855, to Jan. 12, 1857, because of failure of legislature to elect.
[10] Elected Nov. 7, 1950. Oath administered on Dec. 4, 1950.
[11] Resigned Nov. 11, 1952, effective Jan. 1, 1953, having been elected Vice President.
[12] Elected Nov. 2, 1954, to fill vacancy in term ending Jan. 2, 1957.

COLORADO

810 CLASS 2

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
44th-47th	Henry M. Teller	Nov. 15, 1876	Mar. 3, 1883	Res. Apr. 17, 1882.
47th	George M. Chilcott	Apr. 17, 1882	Jan. 27, 1883	By gov., to fill vac.
47th	Horace A. W. Tabor	Jan. 27, 1883	Mar. 3, 1883	
48th-50th	Thomas M. Bowen	Mar. 4, 1883	Mar. 3, 1889	
51st-56th	Edward O. Wolcott	Mar. 4, 1889	Mar. 3, 1901	
57th-59th	Thomas M. Patterson	Mar. 4, 1901	Mar. 3, 1907	
60th-62d	Simon Guggenheim	Mar. 4, 1907	Mar. 3, 1913	
63d-65th	John F. Shafroth	Mar. 4, 1913	Mar. 3, 1919	
66th-71st	Lawrence C. Phipps	Mar. 4, 1919	Mar. 3, 1931	
72d-74th	Edward P. Costigan	Mar. 4, 1931	Jan. 2, 1937	
75th-83d	Edwin C. Johnson	Jan. 3, 1937	Jan. 2, 1955	
84th-92d	Gordon Allott	Jan. 3, 1955	Jan. 2, 1973	
93d-95th	Floyd K. Haskell	Jan. 3, 1973	Jan. 2, 1979	

See footnotes at end of Colorado table.

COLORADO—Continued

CLASS 2—Continued

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
96th–101st	William L. Armstrong	Jan. 3, 1979	Jan. 2, 1991	

CLASS 3

811

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
44th–45th	Jerome B. Chaffee	Nov. 15, 1876	Mar. 3, 1879	
46th–48th	Nathaniel P. Hill	Mar. 4, 1879	Mar. 3, 1885	
49th–60th	Henry M. Teller	Mar. 4, 1885	Mar. 3, 1909	
61st–63d	Charles J. Hughes, Jr.[1]	Mar. 4, 1909	Mar. 3, 1915	
62d–66th	Charles S. Thomas	Jan. 15, 1913	Mar. 3, 1921	
67th–69th	Samuel D. Nicholson	Mar. 4, 1921	Mar. 3, 1927	Died Mar. 24, 1923.
68th	Alva B. Adams	May 17, 1923	Nov. 30, 1924	By gov., to fill vac.
68th–69th	Rice W. Means	Dec. 1, 1924	Mar. 3, 1927	
70th–72d	Charles W. Waterman	Mar. 4, 1927	Mar. 3, 1933	Died Aug. 27, 1932.
72d	Walter Walker	Sept. 26, 1932	Dec. 6, 1932	By gov., to fill vac.
Do	Karl C. Schuyler	Dec. 7, 1932	Mar. 3, 1933	
73d–78th	Alva B. Adams	Mar. 4, 1933	Jan. 2, 1945	Died Dec. 1, 1941.
77th	Eugene D. Millikin	Dec. 20, 1941	Nov. 3, 1942	By gov., to fill vac.
77th–84th	do.[2]	Nov. 4, 1942	Jan. 2, 1957	
85th–87th	John A. Carroll	Jan. 3, 1957	Jan. 2, 1963	
88th–93d	Peter H. Dominick	Jan. 3, 1963	Jan. 2, 1975	
94th–99th	Gary W. Hart	Jan. 3, 1975	Jan. 2, 1987	
100th–102d	Timothy O. Wirth	Jan. 3, 1987	Jan 2, 1993	

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[1] Died Jan. 11, 1911. Vacancy from Jan. 11, 1911, to Jan. 14, 1913, because of failure of legislature to elect.

[2] Elected Nov. 3, 1942, to fill vacancy in term ending Jan. 2, 1945.

CONNECTICUT

CLASS 1

812

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
1st–4th	Oliver Ellsworth	Mar. 4, 1789	Mar. 3, 1797	Res. Mar. 8, 1796.
4th–13th	James Hillhouse	May 12, 1796	Mar. 3, 1815	Res. June 10, 1810.
11th–16th	Samuel W. Dana	May 10, 1810	Mar. 3, 1821	
17th–19th	Elijah Boardman	Mar. 4, 1821	Mar. 3, 1827	Died Oct. 8, 1823.
18th	Henry W. Edwards	Oct. 8, 1823	May 4, 1824	By gov., to fill vac.
18th–19th	do	May 5, 1824	Mar. 3, 1827	
20th–22d	Samuel A. Foote	Mar. 4, 1827	Mar. 3, 1833	
23d–25th	Nathan Smith	Mar. 4, 1833	Mar. 3, 1839	Died Dec. 6, 1835.
24th	John M. Niles	Dec. 14, 1835	May 3, 1836	By gov., to fill vac.
24th–25th	do	May 4, 1836	Mar. 3, 1839	
26th–28th	Thaddeus Betts	Mar. 4, 1839	Mar. 3, 1845	Died Apr. 7, 1840.
26th–31st	Jabez W. Huntington	May 4, 1840	Mar. 3, 1851	Died Nov. 2, 1847.
30th	Roger S. Baldwin	Nov. 11, 1847	May 2, 1848	By gov., to fill vac.
30th–31st	do	May 3, 1848	Mar. 3, 1851	
32d–34th	Isaac Toucey[1]	May 12, 1852	Mar. 3, 1857	
35th–40th	James Dixon	Mar. 4, 1857	Mar. 3, 1869	
41st–43d	William A. Buckingham	Mar. 4, 1869	Mar. 3, 1875	Died Feb. 5, 1875.
43d	William W. Eaton	Feb. 5, 1875	Do.	By gov., to fill vac.
44th–46th	do	Mar. 4, 1875	Mar. 3, 1881	
47th–58th	Joseph R. Hawley	Mar. 4, 1881	Mar. 3, 1905	
59th–61st	Morgan G. Bulkeley	Mar. 4, 1905	Mar. 3, 1911	
62d–70th	George P. McLean	Mar. 4, 1911	Mar. 3, 1929	
71st–73d	Frederic C. Walcott	Mar. 4, 1929	Jan. 2, 1935	
74th–79th	Francis Maloney	Jan. 3, 1935	Jan. 2, 1947	Died Jan. 16, 1945.
79th	Thomas C. Hart	Feb. 15, 1945	Nov. 5, 1946	By gov., to fill vac.
80th–82d	Raymond E. Baldwin[2]	Dec. 27, 1946	Jan. 2, 1953	
81st–82d	William Benton[3]	Dec. 17, 1949	Jan. 2, 1953	By gov., to fill vac.
83d–85th	William A. Purtell	Jan. 3, 1953	Jan. 2, 1959	
86th–91st	Thomas J. Dodd	Jan. 3, 1959	Jan. 2, 1971	
92d–100th	Lowell P. Weicker, Jr	Jan. 3, 1971	Jan. 2, 1989	
101st–103d	Joseph I. Lieberman	Jan. 3, 1989	Jan. 2, 1995	

See footnotes at end of Connecticut table.

CONNECTICUT—Continued

CLASS 1—Continued

813 CLASS 3

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
1st–3d	William S. Johnson	Mar. 4, 1789	Mar. 3, 1795	Res. Mar. 4, 1791.
2d–3d	Roger Sherman	June 13, 1791	Do.	Died July 23, 1793.
3d	Stephen M. Mitchell	Dec. 2, 1793	Do.	
4th–6th	Jonathan Trumbull	Mar. 4, 1795	Mar. 3, 1801	Res. June 10, 1796.
4th–12th	Uriah Tracy	Oct. 13, 1796	Mar. 3, 1813	Died July 19, 1807.
10th–15th	Chauncey Goodrich	Oct. 25, 1807	Mar. 3, 1819	Res. in May 1813.
13th–15th	David Daggett	May 13, 1813	Do.	
16th–18th	James Lanman	Mar. 4, 1819	Mar. 3, 1825	
19th–21st	......do.[4]	Mar. 4, 1825	Mar. 3, 1831	
Do	Calvin Willey	Mar. 4, 1825	Do.	
22d–24th	Gideon Tomlinson	Mar. 4, 1831	Mar. 3, 1837	
25th–27th	Perry Smith	Mar. 4, 1837	Mar. 3, 1843	
28th–30th	John M. Niles	Mar. 4, 1843	Mar. 3, 1849	
31st–33d	Truman Smith[5]	Mar. 4, 1849	Mar. 3, 1855	
33d	Francis Gillette	May 25, 1854	Do.	
34th–39th	Lafayette S. Foster	Mar. 4, 1855	Mar. 3, 1867	
40th–45th	Orris S. Ferry	Mar. 4, 1867	Mar. 3, 1879	Died Nov. 21, 1875.
44th	James E. English	Nov. 27, 1875	May 17, 1876	By gov., to fill vac.
44th–45th	William H. Barnum	May 17, 1876	Mar. 3, 1879	
46th–60th	Orville H. Platt	Mar. 4, 1879	Mar. 3, 1909	Died Apr. 21, 1905.
59th–69th	Frank B. Brandegee[6]	May 10, 1905	Mar. 3, 1927	
68th–72d	Hiram Bingham	Dec. 17, 1924	Mar. 3, 1933	
73d–75th	Augustine Lonergan	Mar. 4, 1933	Jan. 2, 1939	
76th–78th	John A. Danaher	Jan. 3, 1939	Jan. 2, 1945	
79th–84th	Brien McMahon	Jan. 3, 1945	Jan. 2, 1957	Died July 28, 1952.
82d	William A. Purtell	Aug. 29, 1952	Nov. 4, 1952	By gov., to fill vac.
82d–87th	Prescott Bush[7]	Nov. 5, 1952	Jan. 3, 1963	
88th–96th	Abraham Ribicoff	Jan. 3, 1963	Jan. 2, 1981	
97th–102d	Christoper J. Dodd	Jan. 3, 1981	Jan. 2, 1993	

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[1] Vacancy from Mar. 4, 1851, to May 11, 1852, because of failure of governor to appoint.

[2] Elected Nov. 6, 1946; took oath Dec. 27, 1946. Governor during interim. Resigned Dec. 17, 1949.

[3] Elected Nov. 7, 1950.

[4] By governor, to fill vacancy. Not admitted. Vacancy from Mar. 4, 1825, because of recess of legislature.

[5] Resigned Apr. 11, 1854, to take effect May 24, 1854.

[6] Died Oct. 14, 1925. Vacancy from Oct. 15 to Dec. 16, 1924, when a successor was elected.

[7] Elected Nov. 4, 1952, to fill vacancy in term ending Jan. 2, 1957.

DELAWARE

814 CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
1st–4th	George Read[1]	Mar. 4, 1789	Mar. 3, 1797	
3d–7th	Henry Latimer	Feb. 7, 1795	Mar. 3, 1803	Res. Feb. 28, 1801.
6th–7th	Samuel White	Feb. 28, 1801	Jan. 13, 1802	By gov., to fill vac.
7th–13th	......do	Jan. 14, 1802	Mar. 3, 1815	Died Nov. 4, 1809.
11th–16th	Outerbridge Horsey	Jan. 12, 1810	Mar. 3, 1821	
17th–19th	Caesar A. Rodney	Jan. 10, 1822	Mar. 3, 1827	Res. Jan. 29, 1823.
18th–19th	Thomas Clayton	Jan. 8, 1824	Do.	
20th–22d	Louis McLane	Mar. 4, 1827	Mar. 3, 1833	Res. Apr. 16, 1829.
21st–25th	Arnold Naudain	Jan. 7, 1830	Mar. 3, 1839	Res. June 16, 1836.
24th–28th	Richard H. Bayard[2]	June 17, 1836	Mar. 3, 1845	
29th–31st	John M Clayton	Mar. 4, 1845	Mar. 3, 1851	Res. Feb. 23, 1849.
30th–31st	John Wales	Feb. 23, 1849	Do.	
32d–40th	James Asheton Bayard, Jr.	Mar. 4, 1851	Mar. 3, 1869	Res. Jan. 29, 1864.
38th–40th	George Read Riddle	Jan. 29, 1864	Do.	Died Mar. 29, 1867.
40th	James Asheton Bayard, Jr.	Apr. 5, 1867	Jan. 18, 1869	By gov., to fill vac.
Do	......do	Jan. 19, 1869	Mar. 3, 1869	

See footnotes at end of Delaware table.

DELAWARE—Continued

CLASS 1—Continued

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
41st–49th	Thomas F. Bayard, Sr	Mar. 4, 1869	Mar. 3, 1887	Res. Mar. 6, 1885.
49th–55th	George Gray	Mar. 18, 1885	Mar. 3, 1899	
57th–58th	L. Heisler Ball[3]	Mar. 2, 1903	Mar. 3, 1905	
59th–64th	Henry A. du Pont[4]	June 13, 1906	Mar. 3, 1917	
65th–67th	Josiah O. Wolcott	Mar. 4, 1917	Mar. 3, 1923	Res. July 2, 1921.
67th	T. Coleman du Pont	July 7, 1921	Nov. 6, 1922	By gov., to fill vac.
67th–70th	Thomas F. Bayard, Jr	Nov. 7, 1922	Mar. 3, 1929	
71st–76th	John G. Townsend, Jr	Mar. 4, 1929	Jan. 2, 1941	
77th–79th	James M. Tunnell	Jan 3, 1941	Jan. 2, 1947	
80th–91st	John J. Williams	Jan 3, 1947	Jan. 2, 1971	Res. Dec. 31, 1970
91st–103d	William V. Roth, Jr.[5]	Jan. 1, 1971	Jan. 2, 1995	

CLASS 2

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
1st–2d	Richard Bassett	Mar. 4, 1789	Mar. 3, 1793	
3d–5th	John Vining	Mar. 4, 1793	Mar. 3, 1799	Res. Jan. 19, 1798.
5th	Joshua Clayton	Jan. 19, 1798	Do.	Died Aug. 11, 1798.
5th–8th	William Hill Wells	Jan. 17, 1799	Mar. 3, 1805	Res. Nov. 6, 1804.
8th–14th	James Asheton Bayard, Sr.	Nov. 13, 1804	Mar. 3, 1817	Res. Mar. 3, 1813.
13th–14th	William Hill Wells	May 28, 1813	Do.	
15th–20th	Nicholas Van Dyke	Mar. 4, 1817	Mar. 3, 1829	Died May 21, 1826.
19th	Daniel Rodney	Nov. 8, 1826	Jan. 12, 1827	By gov., to fill vac.
19th–20th	Henry M. Ridgely	Jan. 12, 1827	Mar. 3, 1829	
21st–26th	John M. Clayton	Mar. 4, 1829	Mar. 3, 1841	Res. Dec. 29, 1836.
24th–29th	Thomas Clayton	Jan. 9, 1837	Mar. 3, 1847	
30th–32d	Presley Spruance	Mar. 4, 1847	Mar. 3, 1853	
33d–35th	John M. Clayton	Mar. 4, 1853	Mar. 3, 1859	Died Nov. 9, 1856.
34th	Joseph P. Comegys	Nov. 19, 1856	Jan. 14, 1857	By gov., to fill vac.
34th–35th	Martin W. Bates	Jan. 14, 1857	Mar. 3, 1859	
36th–41st	Willard Saulsbury, Sr	Mar. 4, 1859	Mar. 3, 1871	
42d–50th	Eli Saulsbury	Mar. 4, 1871	Mar. 3, 1889	
51st–53d	Anthony Higgins	Mar. 4, 1889	Mar. 3, 1895	
54th–56th	Richard R. Kenney[6]	Jan. 19, 1897	Mar. 3, 1901	
57th–59th	James F. Allee[7]	Mar. 2, 1903	Mar. 3, 1907	
60th–62d	Harry A. Richardson	Mar. 4, 1907	Mar. 3, 1913	
63d–65th	Willard Saulsbury, Jr	Mar. 4, 1913	Mar. 3, 1919	
66th–68th	L. Heisler Ball	Mar. 4, 1919	Mar. 3, 1925	
69th–70th	T. Coleman du Pont	Mar. 4, 1925	Mar. 3, 1931	Res. Dec. 9, 1928.
70th–71st	Daniel O. Hastings	Dec. 10, 1928	Nov. 4, 1930	By gov., to fill vac.
71st–74th	......do	Nov. 5, 1930	Jan. 2, 1937	
75th–77th	James H. Hughes	Jan. 3, 1937	Jan. 2, 1943	
78th–80th	C. Douglass Buck	Jan. 3, 1943	Jan. 2, 1949	
81st–86th	J. Allen Frear, Jr	Jan. 3, 1949	Jan. 2, 1961	
87th–92d	J. Caleb Boggs	Jan. 3, 1961	Jan. 2, 1973	
93d–101st	Joseph R. Biden, Jr	Jan. 3, 1973	Jan. 2, 1991	

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[1] Resigned Sept. 18, 1793. Vacancy from Sept. 18, 1793, to Feb. 7, 1795. Kensey Johns was appointed by governor Mar. 19, 1794, to fill vacancy, but by Senate resolution of Mar. 28, 1794, was declared not entitled to a seat.

[2] Resigned Sept. 19, 1839. Reelected, serving from Jan. 12, 1841, to Mar. 3, 1845. Vacancy from Sept. 19, 1839, to Jan. 11, 1841.

[3] Vacancy from Mar. 4, 1899, to Mar. 2, 1903, because of failure of legislature to elect.

[4] Vacancy from Mar. 4, 1905, to June 13, 1906, because of failure of legislature to elect.

[5] By governor, to fill vacancy in term ending Jan. 2, 1971.

[6] Vacancy from Mar. 4, 1895, to Jan. 19, 1897, because of failure of legislature to elect.

[7] Vacancy from Mar. 4, 1901, to Mar. 2, 1903, because of failure of legislature to elect.

FLORIDA

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CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
29th-31st	David Levy Yulee [1]	July 1, 1845	Mar. 3, 1851	
32d-37th	Stephen R. Mallory [2]	Mar. 4, 1851	Mar. 3, 1863	
40th	Adonijah S. Welch [3]	June 17, 1868	Mar. 3, 1869	
41st-43d	Abijah Gilbert	Mar. 4, 1869	Mar. 3, 1875	
44th-49th	Charles W. Jones [4]	Mar. 4, 1875	Mar. 3, 1887	
50th-52d	Samuel Pasco	May 19, 1887	Mar. 3, 1893	
53d	......do	Mar. 4, 1893	Apr. 19, 1893	By gov., to fill vac.
53d-55th	......do	Apr. 20, 1893	Mar. 3, 1899	
56th	......do	Mar. 4, 1899	Apr. 18, 1899	Do.
56th-58th	James P. Taliaferro	Apr. 19, 1899	Mar. 3, 1905	
59th	......do	Mar. 4, 1905	Apr. 19, 1905	Do.
59th-61st	......do	Apr. 20, 1905	Mar. 3, 1911	
62d	Nathan P. Bryan	Mar. 4, 1911	Apr. 18, 1911	
62d-64th	......do	Apr. 19, 1911	Mar. 3, 1917	
65th-76th	Park Trammell	Mar. 4, 1917	Jan. 2, 1941	Died May 8, 1936.
74th	Scott M. Loftin	May 26, 1936	Nov. 3, 1936	By gov., to fill vac.
74th-79th	Charles O. Andrews	Nov. 4, 1936	Jan. 2, 1947	Died Sept. 18, 1946
79th-91st	Spessard L. Holland [5]	Sept. 25, 1946	Jan. 2, 1971	
92d-100th	Lawton Chiles	Jan. 3, 1971	Jan. 2, 1989	
101st-103d	Connie Mack	Jan. 3, 1989	Jan. 2, 1995	

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CLASS 3

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
29th-30th	James D. Westcott, Jr	July 1, 1845	Mar. 3, 1849	
31st-33d	Jackson Morton	Mar. 4, 1849	Mar. 3, 1855	
34th-36th	David L. Yulee [6]	Mar. 4, 1855	Mar. 3, 1861	
40th-42d	Thomas W. Osborn [7]	June 18, 1868	Mar. 3, 1873	
43d-45th	Simon B. Conover	Mar. 4, 1873	Mar. 3, 1879	
46th-54th	Wilkinson Call [8]	Mar. 4, 1879	Mar. 3, 1897	
55th-57th	Stephen R. Mallory	Mar. 4, 1897	Mar. 3, 1903	
58th	......do	Mar. 4, 1903	Apr. 21, 1903	By gov., to fill vac.
58th-60th	......do	Apr. 22, 1903	Mar. 3, 1909	Died Dec. 23, 1907.
60th	William J. Bryan [9]	Dec. 26, 1907	Do.	
Do	William H. Milton	Mar. 27, 1908	Do.	By gov., to fill vac.
61st	Duncan U. Fletcher [10]	Mar. 4, 1909	Apr. 20, 1909	
61st-75th	......do	Apr. 21, 1909	Jan. 2, 1939	Died June 17, 1936.
74th	William L. Hill	July 1, 1936	Nov. 3, 1936	By gov., to fill vac.
74th-81st	Claude Pepper	Nov. 4, 1936	Jan. 2, 1951	
82d-90th	George A. Smathers	Jan. 3, 1951	Jan. 2, 1969	
91st-93d	Edward J. Gurney	Jan. 3, 1969	Jan. 2, 1975	Res. Dec. 31, 1974.
93d-96th	Richard (Dick) Stone [11]	Jan. 1, 1975	Jan. 2, 1981	
96th-99th	Paula Hawkins [12]	Jan. 1, 1981	Jan. 2, 1987	
100th-102d	Bob Graham	Jan. 3, 1987	Jan. 2, 1993	

[1] Joint credentials of David Levy and James D. Westcott, Jr., dated July 1, 1845. Name David Levy changed to David Levy Yulee by an act of the Legislature of Florida (Sen. Jour., Jan. 12, 1846).

[2] Retired from the Senate Jan. 21, 1861. Seat declared vacant Mar. 14, 1861. Vacancy from Jan. 21, 1861, to June 17, 1868, because of Civil War. Wilkinson Call presented credentials of an election held on Dec. 29, 1865, but was not seated.

[3] By legislature, to fill vacancy in term beginning Mar. 4, 1863.

[4] Vacancy from Mar. 4 to May 19, 1887; Jesse J. Finley was appointed on Feb. 28, 1887 but never qualified for the reason that President pro tempore Ingalls had held that the appointment having been anticipated was not valid and a successor had been elected.

[5] By governor, to fill vacancy in term ending Jan. 2, 1947.

[6] Retired from the Senate Jan. 21, 1861. Vacancy from Jan. 21, 1861, to June 18, 1868, because of Civil War. William Marvin presented credentials of an election held on Dec. 29, 1865, for term ending Mar. 3, 1867, and of an election held on Nov. 28, 1866, for term commencing Mar. 4, 1867, but was not seated.

[7] By legislature, to fill vacancy in term beginning Mar. 4, 1867.

[8] Vacancy from Mar. 4, to May 24, 1897. John A. Henderson was appointed by the governor on Mar. 6, 1897, but was not seated.

[9] By governor, to fill vacancy. Died Mar. 22, 1908.

[10] By governor, for term commencing Mar. 3, 1909.

[11] By governor, to fill vacancy in term ending Jan. 2, 1975. Resigned Dec. 31, 1980.

[12] By governor, to fill vacancy in term ending Jan. 2, 1981.

GEORGIA

CLASS 2 818

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
1st-2d	William Few	Mar. 4, 1789	Mar. 3, 1793	
2d-5th	James Jackson	Mar. 4, 1793	Mar. 3, 1799	Res. in 1795.
3d	George Walton	Nov. 16, 1795	Feb. 20, 1796	By gov., to fill vac.
4th-5th	Josiah Tatnall	Feb. 20, 1796	Mar. 3, 1799	
6th-11th	Abraham Baldwin	Mar. 4, 1799	Mar. 3, 1811	Died Mar. 4, 1807.
10th	George Jones	Aug. 27, 1807	Nov. 7, 1807	By gov., to fill vac.
10th-14th	William H. Crawford	Nov. 7, 1807	Mar. 3, 1817	Res. Mar. 23, 1813.
13th	William B. Bulloch	Apr. 8, 1813	Nov. 6, 1813	By gov., to fill vac.
13th-14th	William Wyatt Bibb	Nov. 6, 1813	Mar. 3, 1817	Res. Nov. 9, 1816.
14th-17th	George McIntosh Troup	Nov. 13, 1816	Mar. 3, 1823	Res. Sept. 23, 1818.
15th-17th	John Forsyth [1]	Nov. 23, 1818	Do.	
16th-17th	Freeman Walker	Nov. 6, 1819	Do.	Res. Aug. 8, 1821.
17th-20th	Nicholas Ware	Nov. 10, 1821	Mar. 3, 1829	Died Sept. 7, 1824.
18th-20th	Thomas W. Cobb	Nov. 4, 1824	Do.	Res. in 1828.
20th	Oliver H. Prince	Nov. 7, 1828	Do.	
21st-23d	George McIntosh Troup	Mar. 4, 1829	Mar. 3, 1835	Res. Mar. 2, 1833.
23d-26th	John Pendleton King	Nov. 21, 1833	Mar. 3, 1841	Res. Nov. 1, 1837.
25th-26th	Wilson Lumpkin	Nov. 22, 1837	Do.	
27th-29th	John Macpherson Berrien	Mar. 4, 1841	Mar. 3, 1847	Res. May 1845.
29th	......do.[2]	Nov. 14, 1845	Do.	
30th-32d	......do	Nov. 13, 1847	Mar. 3, 1853	Res. May 28, 1852.
32d	Robert M. Charlton	May 31, 1852	Do.	By gov., to fill vac.
33d-38th	Robert Toombs [3]	Mar. 4, 1853	Mar. 3, 1865	
40th-41st	Homer V. M. Miller [4]	July 28, 1868	Mar. 3, 1871	
42d-44th	Thomas M. Norwood [5]	Nov. 14, 1871	Mar. 3, 1877	
45th-47th	Benjamin H. Hill	Mar. 4, 1877	Mar. 3, 1883	Died Aug. 16, 1882.
47th	Pope Barrow	Nov. 15, 1882	Do.	
48th-53d	Alfred H. Cloquitt	Mar. 4, 1883	Mar. 3, 1895	Died Mar. 26, 1894.
53d	Patrick Walsh	Apr. 2, 1894	Nov. 6, 1894	By gov., to fill vac.
Do	......do	Nov. 7, 1894	Mar. 3, 1895	
54th-59th	Augustus O. Bacon	Mar. 4, 1895	Mar. 3, 1907	
60th	......do	Mar. 4, 1907	July 8, 1907	Do.
60th-62d	......do	July 9, 1907	Mar. 3, 1913	
63d	......do	Mar. 4, 1913	July 9, 1913	Do.
63d-65th	......do	July 10, 1913	Mar. 3, 1919	Died Feb. 14, 1914.
63d	William S. West	Mar. 2, 1914	Nov. 3, 1914	By gov., to fill vac.
63d-65th	Thomas W. Hardwick	Nov. 4, 1914	Mar. 3, 1919	
66th-74th	William J. Harris	Mar. 4, 1919	Jan. 2, 1937	Died Apr. 18, 1932.
72d	John S. Cohen	Apr. 25, 1932	Jan. 11, 1933	By gov., to fill vac.
72d-92d	Richard B. Russell	Jan. 12, 1933	Jan. 2, 1973	Died Jan. 21, 1971.
92d	David H. Gambrell	Feb. 1, 1971	Nov. 7, 1972	By gov., to fill vac.
92d-101st	Sam Nunn [6]	Nov. 8, 1972	Jan. 2, 1991	

CLASS 3 819

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
1st-6th	James Gunn	Mar. 4, 1789	Mar. 3, 1801	
7th-9th	James Jackson	Mar. 4, 1801	Mar. 3, 1807	Died Mar. 19, 1806.
9th-12th	John Milledge	June 19, 1806	Mar. 3, 1813	Res. Nov. 14, 1809.
11th-15th	Charles Tait	Nov. 27, 1809	Mar. 3, 1819	
16th-18th	John Elliott	Mar. 4, 1819	Mar. 3, 1825	
19th-21st	John Macpherson Berrien	Mar. 4, 1825	Mar. 3, 1831	Res. Mar. 9, 1829.
21st-24th	John Forsyth	Nov. 9, 1829	Mar. 3, 1837	Res. June 27, 1834.
23d-27th	Alfred Cuthbert	Jan 12, 1835	Mar. 3, 1843	
28th-30th	Walter T. Colquitt	Mar. 4, 1843	Mar. 3, 1849	Res. Feb. 1848.
30th	Herschel V. Johnson [7]	Feb. 4, 1848	Do.	By gov., to fill vac.
31st-33d	William C. Dawson	Mar. 4, 1849	Mar. 3, 1855	
34th-36th	Alfred Iverson [8]	Mar. 4, 1855	Mar. 3, 1861	
40th-42d	Joshua Hill [9]	July 28, 1868	Mar. 3, 1873	
43d-48th	John B. Gordon [10]	Mar. 4, 1873	Mar. 3, 1885	
46th	Joseph E. Brown	May 26, 1880	Nov. 15, 1880	By gov., to fill vac.
46th-51st	......do	Nov. 16, 1880	Mar. 3, 1891	
52d-54th	John B. Gordon	Mar. 4, 1891	Mar. 3, 1897	
55th-63d	Alexander S. Clay	Mar. 4, 1897	Mar. 3, 1915	Died Nov. 13, 1910.
61st-63d	Joseph M. Terrell [11]	Nov. 17, 1910	Do.	
62d-66th	Hoke Smith [12]	Nov. 16, 1911	Mar. 3, 1921	
67th-69th	Thomas E. Watson	Mar. 4, 1921	Mar. 3, 1927	Died Sept. 26, 1922.
67th	Mrs. Rebecca L. Felton	Oct. 3, 1922	Nov. 21, 1922	By gov., to fill vac.

See footnotes at end of Georgia table.

GEORGIA—Continued

Class 3—Continued

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
67th-84th	Walter F. George	Nov. 22, 1922	Jan. 2, 1957	
85th-96th	Herman E. Talmadge	Jan. 3, 1957	Jan. 2, 1981	
97th-99th	Mack Mattingly	Jan. 3, 1981	Jan. 2, 1987	
100th-102d	Wyche Fowler, Jr	Jan. 3, 1987	Jan. 2, 1993	

[1] Elected Nov. 7, 1818. Served in House during interim. Resigned Feb. 17, 1819.

[2] Vacancy from Mar. 4 to Nov. 12, 1847, because of failure of legislature to elect.

[3] Retired from the Senate Feb. 4, 1861. Seat declared vacant Mar. 14, 1861. Vacancy from Feb. 4, 1861, to July 28, 1868, because of Civil War.

[4] By legislature, to fill vacancy in term beginning Mar. 4, 1865. Took oath on Feb. 24, 1871, as prescribed in joint resolution approved Feb. 23, 1871.

[5] Vacancy from Mar. 4 to Nov. 13, 1871. Foster Blodgett presented credentials, but was not permitted to qualify, and on Dec. 19, 1871, was adjudged not elected in accordance with the Constitution.

[6] Elected Nov. 7, 1972, to fill vacancy in term ending Jan. 2, 1973, and also to full term ending Jan. 2, 1979.

[7] Senator-elect in 1866, but was not permitted to qualify.

[8] Retired from Senate Jan. 28, 1861. Vacancy from Jan. 28, 1861, to July 28, 1868, because of Civil War.

[9] By legislature, to fill vacancy in term beginning Mar. 4, 1867.

[10] Tendered resignation May 14, 1880, and retired from the Senate May 26, 1880.

[11] By governor, to fill vacancy. Resigned July 14, 1911.

[12] Elected July 12, 1911. Took oath Dec. 4, 1911. Governor during interim.

HAWAII

820 Class 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
86th-94th	Hiram L. Fong	Aug. 21, 1959	Jan. 2, 1977	
95th-103d	Spark M. Matsunaga	Jan. 3, 1977	Jan. 3, 1995	

821 Class 3

86th-87th	Oren E. Long	Aug. 21, 1959	Jan. 2, 1963	
88th-102d	Daniel K. Inouye	Jan. 3, 1963	Jan. 2, 1993	

IDAHO

822 Class 2

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
51st-56th	George L. Shoup	Dec. 18, 1890	Mar. 3, 1901	
57th-59th	Fred T. Dubois	Mar. 4, 1901	Mar. 3, 1907	
60th-77th	William E. Borah	Mar. 4, 1907	Jan. 2, 1943	Died Jan. 19, 1940.
76th	John Thomas	Jan. 27, 1940	Nov. 5, 1940	By gov., to fill vac.
76th-80th	......do	Nov. 6, 1940	Jan. 2, 1949	Died Nov. 10, 1945.
79th	Charles C. Gossett	Nov. 17, 1945	Jan. 3, 1947	By gov., to fill vac.
80th	Henry C. Dworshak	Jan. 4, 1947	Jan. 2, 1949	
81st-83d	Bert H. Miller	Jan. 3, 1949	Jan. 2, 1955	Died Oct. 8, 1949.
Do	Henry C. Dworshak [1]	Oct. 14, 1949	Jan. 2, 1955	By gov., to fill vac.
84th-89th	......do	Jan. 3, 1955	Jan. 2, 1967	Died July 23, 1962.
87th-92d	Len B. Jordon [2]	Aug. 6, 1962	Jan. 2, 1973	By gov., to fill vac.
93d-101st	James A. McClure	Jan. 3, 1973	Jan. 2, 1991	

823 Class 3

51st	William J. McConnell	Dec. 18, 1890	Mar. 3, 1891	
52d-54th	Fred T. Dubois	Mar. 4, 1891	Mar. 3, 1897	
55th-57th	Henry Heitfeld	Mar. 4, 1897	Mar. 3, 1903	

See footnotes at end of Idaho table.

IDAHO—Continued

CLASS 3—Continued

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
58th-63d	Weldon B. Heyburn	Mar. 4, 1903	Mar. 3, 1915	Died Oct. 17, 1912.
62d	Kirtland I. Perky	Nov. 18, 1912	Feb. 5, 1913	By gov., to fill vac.
62d-66th	James H. Brady	Feb. 6, 1913	Mar. 3, 1921	Died Jan. 13, 1918.
65th	John F. Nugent	Jan. 22, 1918	Nov. 4, 1918	By gov., to fill vac.
66th	John F. Nugent	Nov. 5, 1918	Mar. 3, 1921	Res. Jan 14, 1921.
Do	Frank R. Gooding	Jan. 15, 1921	Do.	By gov., to fill vac.
67th-72d	......do	Mar. 4, 1921	Mar. 3, 1933	Died June 24, 1928.
70th	John Thomas	June 30, 1928	Nov. 5, 1928	By gov., to fill vac.
70th-72d	......do	Nov. 6, 1928	Mar. 3, 1933	
73d-75th	James P. Pope	Mar. 4, 1933	Jan. 2, 1939	
76th-78th	D. Worth Clark	Jan. 3, 1939	Jan. 2, 1945	
79th-81st	Glen H. Taylor	Jan. 3, 1945	Jan. 2, 1951	
82d-84th	Herman Welker	Jan. 3, 1951	Jan. 2, 1957	
85th-96th	Frank Church	Jan. 3, 1957	Jan. 2, 1981	
97th-102d	Steven D. Symms	Jan. 3, 1981	Jan. 2, 1993	

[1] Elected Nov. 7, 1950.
[2] Elected Nov. 6, 1962, to fill vacancy in term ending Jan. 2, 1967.

ILLINOIS

CLASS 2 824

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
15th-20th	Jesse B. Thomas	Dec. 3, 1818	Mar. 3, 1829	
21st-23d	John McLean	Mar. 4, 1829	Mar. 3, 1835	Died Oct. 14, 1830.
21st	David J. Baker	Nov. 12, 1830	Dec. 11, 1830	By gov., to fill vac.
21st-26th	John M. Robinson	Dec. 11, 1830	Mar. 3, 1841	
27th-29th	Samuel McRoberts	Mar. 4, 1841	Mar. 3, 1847	Died Mar. 27, 1843.
28th	James Semple	Aug. 16, 1843	Dec. 10, 1844	By gov., to fill vac.
28th-29th	......do	Dec. 11, 1844	Mar. 3, 1847	
30th-38th	Stephen A. Douglas	Mar. 4, 1847	Mar. 3, 1865	Died June 3, 1861.
37th	Orville H. Browning	June 26, 1861	Jan. 12, 1863	By gov., to fill vac.
37th-38th	William A. Richardson	Jan. 12, 1863	Mar. 3, 1865	
39th-41st	Richard Yates	Mar. 4, 1865	Mar. 3, 1871	
42d-44th	John A. Logan	Mar. 4, 1871	Mar. 3, 1877	
45th-47th	David Davis	Mar. 4, 1877	Mar. 3, 1883	
48th-62d	Shelby M. Cullom	Mar. 4, 1883	Mar. 3, 1913	
63d-65th	James Hamilton Lewis[1]	Mar. 26, 1913	Mar. 3, 1919	
66th-68th	Medill McCormick	Mar. 4, 1919	Mar. 3, 1925	Died Feb. 25, 1925.
68th	Charles S. Deneen	Feb. 26, 1925	Do.	By gov., to fill vac.
69th-71st	......do	Mar. 4, 1925	Mar. 3, 1931	
72d-77th	James Hamilton Lewis	Mar. 4, 1931	Jan. 2, 1943	Died Apr. 9, 1939.
76th	James M. Slattery	Apr. 14, 1939	Nov. 21, 1940	By gov., to fill vac.
76th-80th	C. Wayland Brooks	Nov. 22, 1940	Jan. 2, 1949	
81st-89th	Paul H. Douglas	Jan. 3, 1949	Jan. 2, 1967	
90th-98th	Charles H. Percy	Jan. 3, 1967	Jan. 2, 1985	
99th-101st	Paul Simon	Jan. 3, 1985	Jan. 2, 1991	

CLASS 3 825

15th-18th	Ninian Edwards	Dec. 3, 1818	Mar. 3, 1825	Res. Mar. 4, 1824.
18th	John McLean	Nov. 23, 1824	Do.	
19th-24th	Elias K. Kane	Mar. 4, 1825	Mar. 3, 1337	Died Dec. 11, 1835.
24th	William Lee D. Ewing	Dec. 30, 1835	Do.	
25th-27th	Richard M. Young	Mar. 4, 1837	Mar. 3, 1843	
28th-30th	Sidney Breese	Mar. 4, 1843	Mar. 3, 1849	
31st-33d	James Shields[2]	Mar. 4, 1849	Mar. 3, 1855	
34th-42d	Lyman Trumbull	Mar. 4, 1855	Mar. 3, 1873	
43d-45th	Richard J. Oglesby	Mar. 4, 1873	Mar. 3, 1879	
46th-51st	John A. Logan	Mar. 4, 1879	Mar. 3, 1891	Died Dec. 26, 1886.
49th-51st	Charles B. Farwell	Jan. 19, 1877	Do.	
52d-54th	John McAuley Palmer	Mar. 4, 1891	Mar. 3, 1897	

See footnotes at end of Illinois table.

ILLINOIS—Continued

CLASS 3—Continued

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
55th-57th	William E. Mason	Mar. 4, 1897	Mar. 3, 1903	
58th-60th	Albert J. Hopkins	Mar. 4, 1903	Mar. 3, 1909	
61st-63d	William Lorimer[3]	June 18, 1909	Mar. 3, 1915	
63d	Lawrence Y. Sherman[4]	Mar. 26, 1913	Do.	
64th-66th	......do	Mar. 4, 1915	Mar. 3, 1921	
67th-69th	William B. McKinley	Mar. 4, 1921	Mar. 3, 1927	Died Dec. 7, 1926.
70th-72d	Frank L. Smith[5]	Mar. 4, 1927	Mar. 3, 1933	
71st-72d	Otis F. Glenn	Dec. 3, 1928	Do.	
73d-75th	William H. Dietrich	Mar. 4, 1933	Jan. 2, 1939	
76th-81st	Scott W. Lucas	Jan. 3, 1939	Jan. 2, 1951	
82d-93d	Everett McKinley Dirksen	Jan. 3, 1951	Jan. 2, 1975	Died Sept. 7, 1969.
91st	Ralph Tyler Smith	Sept. 17, 1969	Nov. 16, 1970	By gov., to fill vac.
91st-96th	Adlai E. Stevenson III[6]	Nov. 17, 1970	Jan. 2, 1981	
97th-102d	Alan J. Dixon	Jan. 3, 1981	Jan. 2, 1993	

[1] Vacancy from Mar. 4 to Mar. 25, 1913, because of recess of legislature.

[2] Vacancy from Mar. 16 to Dec. 2, 1849, Mr. Shields not having been a citizen the term of years required by law. Subsequently elected for the term.

[3] Vacancy from Mar. 4 to May 27, 1909, because of failure of legislature to elect, and also from May 27 to June 17, 1909, because Mr. Lorimer did not resign his seat in the House of Representatives until the last named date. Election declared invalid July 13, 1912.

[4] Vacancy from July 14, 1912, to Mar. 25, 1913, because of recess of legislature.

[5] By governor, to fill vacancy, Dec. 6, 1926. Oath not administered. Elected for term beginning Mar. 4, 1927, but was not permitted to qualify. Resignation sent to Governor of Illinois, Feb. 9, 1928. Vacancy from Dec. 8, 1926, to Dec. 2. 1928.

[6] Elected Nov. 3, 1970, to fill vacancy in term ending Jan. 2, 1975.

INDIANA

826 CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
14th-22d	James Noble	Dec. 11, 1816	Mar. 3, 1833	Died Feb. 26, 1831.
22d	Robert Hanna	Aug. 19, 1831	Jan. 3, 1832	By gov., to fill vac.
22d-25th	John Tipton	Jan. 4, 1832	Mar. 3, 1839	
26th-28th	Albert S. White	Mar. 4, 1839	Mar. 3, 1845	
29th-37th	Jesse D. Bright	Mar. 4, 1845	Mar. 3, 1863	Exp. Feb. 5, 1862.
37th	Joseph A. Wright	Feb. 24, 1862	Jan. 14, 1863	By gov., to fill vac.
Do	David Turpie	Jan. 14, 1863	Mar. 3, 1863	
37th-40th	Thomas A. Hendricks	Mar. 4, 1863	Mar. 3, 1869	
41st-43d	Daniel D. Pratt	Mar. 4, 1869	Mar. 3, 1875	
44th-46th	Joseph E. McDonald	Mar. 4, 1875	Mar. 3, 1881	
47th-49th	Benjamin Harrison	Mar. 4, 1881	Mar. 3, 1887	
50th-55th	David Turpie	Mar. 4, 1887	Mar. 3, 1899	
56th-61st	Albert J. Beveridge	Mar. 4, 1899	Mar. 3, 1911	
62d-64th	John W. Kern	Mar. 4, 1911	Mar. 3, 1917	
65th-67th	Harry S. New	Mar. 4, 1917	Mar. 3, 1923	
68th-70th	Samuel M. Ralston	Mar. 4, 1923	Mar. 3, 1929	Died Oct. 14, 1925.
69th	Arthur R. Robinson	Oct. 20, 1925	Nov. 2, 1926	By gov., to fill vac.
69th-73d	......do	Nov. 3, 1926	Jan. 2, 1935	
74th-76th	Sherman Minton	Jan. 3, 1935	Jan. 2, 1941	
77th-79th	Raymond E. Willis	Jan. 3, 1941	Jan. 2, 1947	
80th-85th	William E. Jenner	Jan. 3, 1947	Jan. 2, 1959	
86th-94th	Vance Hartke	Jan. 3, 1959	Jan. 2, 1977	
95th-103d	Richard G. Lugar	Jan. 3, 1977	Jan. 2, 1995	

827 CLASS 3

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
14th-18th	Waller Tayler	Dec. 11, 1816	Mar. 3, 1825	
19th-24th	William Hendricks	Mar. 4, 1825	Mar. 3, 1837	
25th-27th	Oliver H. Smith	Mar. 4, 1837	Mar. 3, 1843	
28th-30th	Edward A. Hannegan	Mar. 4, 1843	Mar. 3, 1849	
31st-33d	James Whitcomb	Mar. 4, 1849	Mar. 3, 1855	Died Oct. 4, 1852.
32d	Charles W. Cathcart	Nov. 23, 1852	Jan. 11, 1853	By gov., to fill vac.

See footnotes at end of Indiana table.

INDIANA—Continued

CLASS 3—Continued

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
32d–33d	John Petit	Jan. 11, 1853	Mar. 3, 1855	
34th–36th	Graham N. Fitch [1]	Feb. 4, 1857	Mar. 3, 1861	
37th–39th	Henry S. Lane	Mar. 4, 1861	Mar. 3, 1867	
40th–45th	Oliver H. P. T. Morton	Mar. 4, 1867	Mar. 3, 1879	Died Nov. 1, 1877.
45th	Daniel W. Voorhees	Nov. 6, 1877	Jan. 30, 1879	By gov., to fill vac.
45th–54th	......do	Jan. 31, 1879	Mar. 3, 1897	
55th–60th	Charles W. Fairbanks	Mar. 4, 1897	Mar. 3, 1909	Res. Mar. 3, 1905.
59th–60th	James A. Hemenway	Mar. 4, 1905	Do.	
61st–66th	Benjamin F. Shively	Mar. 4, 1909	Mar. 3, 1921	Died Mar. 14, 1916.
64th	Thomas Taggart	Mar. 20, 1916	Nov. 7, 1916	By gov., to fill vac.
64th–72d	James E. Watson	Nov. 8, 1916	Mar. 3, 1933	
73d–78th	Frederick Van Nuys	Mar. 4, 1933	Jan. 2, 1945	Died Jan. 25, 1944.
78th	Samuel D. Jackson	Jan. 28, 1944	Nov. 13, 1944	By gov., to fill vac.
78th	William E. Jenner [2]	Nov. 14, 1944	Jan. 2, 1945	
79th–87th	Homer E. Capehart	Jan. 3, 1945	Jan. 2, 1963	
88th–96th	Birch Bayh	Jan. 3, 1963	Jan. 2, 1981	
97th–100th	Dan Quayle [3]	Jan. 3, 1981	Jan. 2, 1989	
101st–102d	Dan Coats	Jan. 3, 1989	Nov. 6, 1990	By gov., to fill vac.

[1] Vacancy from Mar. 4, 1855, to Feb. 3, 1857.

[2] Elected Nov. 7, 1944, to fill vacancy in term ending Jan. 2, 1945.

[3] Resigned Jan. 2, 1989, having been elected Vice President of the United States for the 51st term on Nov. 8, 1988.

IOWA

CLASS 2 828

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
30th–35th	George W. Jones	Dec. 7, 1848	Mar. 3, 1859	
36th–41st	James W. Grimes	Mar. 4, 1859	Mar. 3, 1871	Res. Dec. 6, 1869.
41st	James B. Howell	Jan. 18, 1870	Do.	
42d–44th	George G. Wright	Mar. 4, 1871	Mar. 3, 1877	
45th–47th	Samuel J. Kirkwood	Mar. 4, 1877	Mar. 3, 1883	Res. Mar. 7, 1881.
47th	James W. McDill	Mar. 8, 1881	Jan. 17, 1882	By gov., to fill vac.
Do	......do	Jan. 18, 1882	Mar. 3, 1883	
48th–53d	James F. Wilson	Mar. 4, 1883	Mar. 3, 1895	
54th–59th	John H. Gear	Mar. 4, 1895	Mar. 3, 1907	Died July 14, 1900.
56th	Jonathan P. Dolliver	Aug. 22, 1900	Mar. 3, 1901	By gov., to fill vac.
57th	......do	Mar. 4, 1901	Jan. 20, 1902	Do.
57th–62d	......do	Jan. 21, 1902	Mar. 3, 1913	Died Oct. 15, 1910.
61st–62d	Lafayette Young	Nov. 12, 1910	Apr. 11, 1911	By gov., to fill vac.
62d–68th	William S. Kenyon	Apr. 12, 1911	Mar. 3, 1925	Res. Feb. 24, 1922.
67th	Charles A. Rawson	Feb. 24, 1922	Nov. 7, 1922	By gov., to fill vac.
67th–68th	Smith W. Brookhart	Nov. 7, 1922	Mar. 3, 1925	
69th–71st	......do.[1]	Mar. 4, 1925	Mar. 3, 1931	
Do	Daniel F. Steck [2]	Apr. 12, 1926	Do.	
72d–74th	L. J. Dickinson	Mar. 4, 1931	Jan. 2, 1937	
75th–77th	Clyde L. Herring [3]	Jan. 3, 1937	Jan. 2, 1943	
78th–80th	George A. Wilson [4]	Jan. 3, 1943	Jan. 2, 1949	
81st–83d	Guy M. Gillette	Jan. 3, 1949	Jan. 2, 1955	
84th–86th	Thomas E. Martin	Jan. 3, 1955	Jan. 2, 1961	
87th–92d	Jack Miller	Jan. 3, 1961	Jan. 2, 1973	
93d–95th	Dick Clark	Jan. 3, 1973	Jan. 2, 1979	
96th–98th	Roger W. Jepsen	Jan. 3, 1979	Jan. 2, 1985	
99th–101st	Thomas R. Harkin	Jan. 3, 1985	Jan. 2, 1991	

CLASS 3 829

30th–33d	Augustus C. Dodge	Dec. 7, 1848	Mar. 3, 1855	Res. Feb. 22, 1855.
34th–36th	James Harlan [5]	Mar. 4, 1855	Mar. 3, 1861	
34th–39th	......do.[6]	Jan. 17, 1857	Mar. 3, 1867	
39th	Samuel J. Kirkwood	Jan. 13, 1866	Do.	

See footnotes at end of Iowa table.

IOWA—Continued

Class 3—Continued

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
40th-42d	James Harlan	Mar. 4, 1867	Mar. 3, 1873	
43d-60th	William B. Allison [7]	Mar. 4, 1873	Mar. 3, 1909	
60th-69th	Albert B. Cummins	Nov. 24, 1908	Mar. 3, 1927	Died July 30, 1926.
69th	David W. Stewart	Aug. 7, 1926	Nov. 9, 1926	By gov., to fill vac.
Do	......do	Nov. 10, 1926	Mar. 3, 1927	
70th-72d	Smith W. Brookhart	Mar. 4, 1927	Mar. 3, 1933	
73d-75th	Richard Louis Murphy [8]	Mar. 4, 1933	Jan. 2, 1939	
74th-78th	Guy M. Gillette	Nov. 4, 1936	Jan. 2, 1945	
79th-90th	Bourke B. Hickenlooper	Jan. 3, 1945	Jan. 2, 1969	
91st-93d	Harold E. Hughes	Jan. 3, 1969	Jan. 2, 1975	
94th-96th	John C. Culver	Jan. 3, 1975	Jan. 2, 1981	
97th-102d	Charles E. Grassley	Jan. 3, 1981	Jan. 2, 1993	

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[1] Election declared invalid, Apr. 12, 1926.

[2] Successfully contested the election of Smith W. Brookhart and took his seat Apr. 12, 1926.

[3] Elected Nov. 3, 1936. Took oath Jan. 19, 1937. Governor during interim.

[4] Elected Nov. 3, 1942. Took oath Jan. 14, 1943. Governor during interim.

[5] Seat declared vacant Jan. 12, 1857.

[6] Subsequently elected. Resigned May 15, 1865. Vacancy from May 16, 1865, to Jan. 12, 1866.

[7] Died Aug. 4, 1908. Vacancy from Aug. 4 to Nov. 24, 1908, because of failure of legislature to elect.

[8] Died July 16, 1936. Vacancy from July 17 to Nov. 3, 1936, when a successor was elected.

KANSAS

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Class 2

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
37th-41st	James H. Lane	Apr. 4, 1861	Mar. 3, 1871	Died July 11, 1866.
39th	Edmund G. Ross	July 19, 1866	Jan. 22, 1867	By gov., to fill vac.
39th-41st	......do	Jan. 23, 1867	Mar. 3, 1871	
42d-44th	Alexander Caldwell	Mar. 4, 1871	Mar. 3, 1877	Res. Mar. 24, 1873.
43d	Robert Crozier	Nov. 24, 1873	Feb. 2, 1874	By gov., to fill vac.
43d-44th	James M. Harvey	Feb. 2, 1874	Mar. 3, 1877	
45th-53d	Preston B. Plumb	Mar. 4, 1877	Mar. 3, 1895	Died Dec. 20, 1891.
52d	Bishop W. Perkins	Jan. 1, 1892	Mar. 3, 1893	By gov., to fill vac.
53d	John Martin	Mar. 4, 1893	Mar. 3, 1895	
54th-56th	Lucien Baker	Mar. 4, 1895	Mar. 3, 1901	
57th-59th	Joseph R. Burton	Mar. 4, 1901	Mar. 3, 1907	Res. June 4, 1906.
59th	Alfred W. Benson	June 11, 1906	Jan. 23, 1907	By gov., to fill vac.
59th-62d	Charles Curtis	Jan. 23, 1907	Mar. 3, 1913	
63d-65th	William H. Thompson	Mar. 4, 1913	Mar. 3, 1919	
66th-80th	Arthur Capper	Mar. 4, 1919	Jan. 2, 1949	
81st-89th	Andrew F. Schoeppel	Jan. 3, 1949	Jan. 2, 1967	Died Jan. 21, 1962.
87th-95th	James B. Pearson [1]	Jan. 31, 1962	Jan. 2, 1979	By gov., to fill vac.
96th-101st	Nancy Landon Kassebaum.[2].	Dec. 23, 1978	Jan. 2, 1991	

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Class 3

37th-42d	Samuel C. Pomeroy	Apr. 4, 1861	Mar. 3, 1873	
43d-51st	John J. Ingalls	Mar. 4, 1873	Mar. 3, 1891	
52d-54th	William A. Peffer	Mar. 4, 1891	Mar. 3, 1897	
55th-57th	William A. Harris	Mar. 4, 1897	Mar. 3, 1903	
58th-60th	Chester I. Long	Mar. 4, 1903	Mar. 3, 1909	
61st-63d	Joseph L. Bristow	Mar. 4, 1909	Mar. 3, 1915	
64th-72d	Charles Curtis	Mar. 4, 1915	Mar. 3, 1933	Res. Mar. 3, 1929.
71st	Henry J. Allen	Apr. 1, 1929	Nov. 30, 1930	By gov., to fill vac.
71st-75th	George McGill	Dec. 1, 1930	Jan. 2, 1939	
76th-81st	Clyde M. Reed	Jan. 3, 1939	Jan. 2, 1951	Died Nov. 8, 1949.
81st	Harry Darby	Dec. 2, 1949	Nov. 28, 1950	By gov., to fill vac.
81st-90th	Frank Carlson [3]	Nov. 29, 1950	Jan. 2, 1969	
91st-102d	Robert Dole	Jan. 3, 1969	Jan. 2, 1993	

See footnotes at end of Kansas table.

KANSAS—Continued

[1] Elected Nov. 6, 1962, to fill vacancy in term ending Jan. 2, 1967. Resigned Dec. 23, 1978.
[2] By governor, to fill vacancy in term ending Jan. 2, 1979.
[3] Elected Nov. 7, 1950, to fill vacancy in term ending Jan. 2, 1951, and also to full term ending Jan. 2, 1957.

KENTUCKY

Class 2 832

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
2d-8th	John Brown	June 18, 1792	Mar. 3, 1805	
9th-11th	Buckner Thruston	Mar. 4, 1805	Mar. 3, 1811	Res. Dec. 18, 1809.
11th	Henry Clay	Jan. 4, 1810	Do.	
12th-14th	George M. Bibb	Mar. 4, 1811	Mar. 3, 1817	Res. Aug. 23, 1814.
13th	George Walker	Aug. 30, 1814	Dec. 16, 1814	By gov., to fill vac.
13th-14th	William T. Barry	Dec. 16, 1814	Mar. 3, 1817	Res. May 1, 1816.
14th	Martin D. Hardin	Nov. 13, 1816	Dec. 4, 1816	By gov., to fill vac.
Do	......do	Dec. 5, 1816	Mar. 3, 1817	
15th-17th	John J. Crittenden	Mar. 4, 1817	Mar. 3, 1823	Res. Mar. 3, 1819.
16th-20th	Richard M. Johnson	Dec. 10, 1819	Mar. 3, 1829	
21st-23d	George M. Bibb	Mar. 4, 1829	Mar. 3, 1835	
24th-26th	John J. Crittenden	Mar. 4, 1835	Mar. 3, 1841	
27th-29th	James T. Morehead	Mar. 4, 1841	Mar. 3, 1847	
30th-32d	Joseph R. Underwood	Mar. 4, 1847	Mar. 3, 1853	
33d-35th	John B. Thompson	Mar. 4, 1853	Mar. 3, 1859	
36th-38th	Lazarus W. Powell	Mar. 4, 1859	Mar. 3, 1865	
39th-41st	James Guthrie	Mar. 4, 1865	Mar. 3, 1871	Res. Feb. 7, 1868.
40th-41st	Thomas C. McCreery	Feb. 19, 1868	Do.	
42d-44th	John W. Stevenson	Mar. 4, 1871	Mar. 3, 1877	
45th-53d	James B. Beck	Mar. 4, 1877	Mar. 3, 1895	Died May 3, 1890.
51st-53d	John G. Carlisle	May 17, 1890	Do.	Res. Feb. 4, 1893.
52d-56th	William Lindsay	Feb. 15, 1893	Mar. 3, 1901	
57th-59th	Joseph C. S. Blackburn	Mar. 4, 1901	Mar. 3, 1907	
60th-62d	Thomas H. Paynter	Mar. 4, 1907	Mar. 3, 1913	
63d-65th	Ollie M. James	Mar. 4, 1913	Mar. 3, 1919	Died Aug. 28, 1918.
65th	George B. Martin	Sept. 7, 1918	Do.	By gov., to fill vac.
66th-68th	A. Owsley Stanley	Mar. 4, 1919	Mar. 3, 1925	
69th-71st	Fred M. Sackett	Mar. 4, 1925	Mar. 3, 1931	Res. Jan. 9, 1930.
71st	John M. Robsion	Jan. 9, 1930	Nov. 30, 1930	By gov., to fill vac.
Do	Ben M. Williamson	Dec. 1, 1930	Mar. 3, 1931	
72d-77th	Marvel M. Logan	Mar. 4, 1931	Jan. 2, 1943	Died Oct. 3, 1939.
76th	Albert B. Chandler	Oct. 10, 1939	Nov. 5, 1940	By gov., to fill vac.
76th-80th	......do	Nov. 6, 1940	Jan. 2, 1949	Res. Nov. 1, 1945.
79th	William A. Stanfill	Nov. 19, 1945	Nov. 5, 1946	By gov., to fill vac.
80th	John Sherman Cooper	Nov. 6, 1946	Jan. 2, 1949	
81st-83d	Virgil Chapman	Jan. 3, 1949	Jan. 2, 1955	Died Mar. 8, 1951.
82d	Thomas R. Underwood	Mar. 19, 1951	Nov. 4, 1952	By gov., to fill vac.
82d-83d	John Sherman Cooper[1]	Nov. 5, 1952	Jan. 2, 1955	
84th-86th	Alben W. Barkley	Jan. 3, 1955	Jan. 2, 1961	Died Apr. 30, 1956.
84th	Robert Humphreys[2]	June 21, 1956	Nov. 6, 1956	By gov., to fill vac.
85th-92d	John Sherman Cooper[3]	Nov. 7, 1956	Jan. 2, 1973	
93d-98th	Walter D. Huddleston	Jan. 3, 1973	Jan. 2, 1985	
99th-101st	Mitch McConnell	Jan. 3, 1985	Jan. 2, 1991	

Class 3 833

2d-3d	John Edwards	June 18, 1792	Mar. 3, 1795	
4th-6th	Humphrey Marshall	Mar. 4, 1795	Mar. 3, 1801	
7th-9th	John Breckinridge	Mar. 4, 1801	Mar. 3, 1807	Res. Aug. 7, 1805.
9th	John Adair	Nov. 8, 1805	Do.	Res. Nov. 18, 1806.
Do	Henry Clay	Dec. 29, 1806	Do.	
10th-12th	John Pope	Mar. 4, 1807	Mar. 3, 1813	
13th-15th	Jesse Bledsoe[4]	Mar. 4, 1813	Mar. 3, 1819	
Do	Isham Talbot	Jan. 5, 1815	Do.	
16th-18th	William Logan	Mar. 4, 1819	Mar. 3, 1825	Res. May 28, 1820.
Do	Isham Talbot	Oct. 19, 1820	Do.	
19th-21st	John Rowan	Mar. 4, 1825	Mar. 3, 1831	
22d-27th	Henry Clay	Nov. 10, 1831	Mar. 3, 1843	Res. Mar. 31, 1842.
27th-30th	John J. Crittenden	Mar. 31, 1842	Mar. 3, 1849	Res. June 12, 1848.

See footnotes at end of Kentucky table.

KENTUCKY—Continued

CLASS 3—Continued

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
30th	Thomas Metcalfe	June 23, 1848	Jan. 2, 1849	By gov., to fill vac.
Do	do	Jan. 3, 1849	Mar. 3, 1849	
31st-33d	Henry Clay[5]	Mar. 4, 1849	Mar. 3, 1855	
32d	David Meriwether	July 6, 1852	Sept. 1, 1852	Do.
32d-33d	Archibald Dixon	Sept. 1, 1852	Mar. 3, 1855	
34th-36th	John J. Crittenden	Mar. 4, 1855	Mar. 3, 1861	
37th-39th	John C. Breckinridge	Mar. 4, 1861	Mar. 3, 1867	Exp. Dec. 4, 1861.
37th-42d	Garrett Davis	Dec. 10, 1861	Mar. 3, 1873	Died Sept. 22, 1872.
42d	Willis B. Machen	Sept. 27, 1872	Jan. 20, 1873	By gov., to fill vac.
Do	do	Jan. 21, 1873	Mar. 3, 1873	
43d-45th	Thomas C. McCreery	Mar. 4, 1873	Mar. 3, 1879	
46th-48th	John Stuart Williams	Mar. 4, 1879	Mar. 3, 1885	
49th-54th	Joseph C. S. Blackburn	Mar. 4, 1885	Mar. 3, 1897	
55th-57th	William J. Deboe	Mar. 4, 1897	Mar. 3, 1903	
58th-60th	James B. McCreary	Mar. 4, 1903	Mar. 3, 1909	
61st-63d	William O. Bradley	Mar. 4, 1909	Mar. 3, 1915	Died May 23, 1914.
63d	Johnson N. Camden, Jr.	June 16, 1914	Nov. 2, 1914	By gov., to fill vac.
Do	do	Nov. 3, 1914	Mar. 3, 1915	
64th-66th	John C. W. Beckham	Mar. 4, 1915	Mar. 3, 1921	
67th-69th	Richard P. Ernst	Mar. 4, 1921	Mar. 3, 1927	
70th-81st	Alben W. Barkley	Mar. 4, 1927	Jan. 2, 1951	Res. Jan. 19, 1949.
81st	Garrett L. Withers	Jan. 20, 1949	Nov. 26, 1950	By gov., to fill vac.
Do	Earle C. Clements[6]	Nov. 27, 1950	Jan. 2, 1951	
82d-84th	do	Jan. 5, 1951	Jan. 2, 1957	
85th-90th	Thruston B. Morton	Jan. 3, 1957	Jan. 2, 1969	Res. Dec. 16, 1968.
90th-93d	Marlow W. Cook[7]	Dec. 17, 1968	Jan. 2, 1975	Res. Dec. 27, 1974.
93d-102d	Wendell H. Ford[8]	Dec. 28, 1974	Jan. 2, 1993	

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[1] Elected Nov. 4, 1952, to fill vacancy in term ending Jan. 2, 1955.

[2] Joseph J. Leary appointed June 18, 1956, to fill vacancy, but declined to serve.

[3] Elected Nov. 6, 1956, to fill vacancy in term ending Jan. 2, 1961.

[4] Resigned Dec. 24, 1814. Declared by Senate resolution of Jan. 20, 1815, as having resigned.

[5] Resigned Dec. 15, 1851, to take effect first Monday in Sept. 1852. Died June 29, 1852.

[6] Elected Nov. 7, 1950. Oath administered Nov. 27, 1950.

[7] By governor, to fill vacancy in term ending Jan. 2, 1969.

[8] By governor, to fill vacancy in term ending Jan. 2, 1975.

LOUISIANA

CLASS 2

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
12th-14th	John N. Destréhan[1]	Sept. 3, 1812	Mar. 3, 1817	
12th	Thomas Posey	Oct. 8, 1812	Feb. 4, 1813	By gov., to fill vac.
12th-14th	James Brown	Feb. 5, 1813	Mar. 3, 1817	Elect. Dec. 1, 1812.
15th-17th	William C. C Claiborne	Mar. 4, 1817	Mar. 3, 1823	Died Nov. 23, 1817.
15th-20th	Henry Johnson	Jan. 12, 1818	Mar. 3, 1829	Res. May 27, 1824.
18th-20th	Dominique Bouligny	Nov. 19, 1824	Do.	
21st-23d	Edward Livingston	Mar. 4, 1829	Mar. 3, 1835	Res. May 24, 1831.
22d-23d	George A. Waggaman	Nov. 15, 1831	Do.	
24th-26th	Robert C. Nicholas[2]	Jan. 13, 1836	Mar. 3, 1841	
27th-29th	Alexander Barrow	Mar. 4, 1841	Mar. 3, 1847	Died Dec. 29, 1846.
29th	Pierre Soulé	Jan. 21, 1847	Do.	
30th-32d	Solomon W. Downs	Mar. 4, 1847	Mar. 3, 1853	
33d-38th	Judah P. Benjamin[3]	Mar. 4, 1853	Mar. 3, 1865	
40th-41st	John S. Harris[4]	July 8, 1868	Mar. 3, 1871	
42d-44th	J. Rodman West	Mar. 4, 1871	Mar. 3, 1877	
45th-47th	William P. Kellogg	Mar. 4, 1877	Mar. 3, 1883	
48th-53d	Randall L. Gibson	Mar. 4, 1883	Mar. 3, 1895	Died Dec. 15, 1892.
52d-53d	Donelson Caffery	Dec. 31, 1892	May 22, 1894	By gov., to fill vac.
53d-56th	do	May 23, 1894	Mar. 3, 1901	
57th-62d	Murphy J. Foster	Mar. 4, 1901	Mar. 3, 1913	
63d-71st	Joseph E. Ransdell	Mar. 4, 1913	Mar. 3, 1931	
72d-74th	Huey P. Long[5]	Mar. 4, 1931	Jan. 2, 1937	
74th	Rose McConnell Long	Jan. 31, 1936	Apr. 20, 1936	Do.

See footnotes at end of Louisiana table.

LOUISIANA--Continued

CLASS 2—Continued

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
Do	......do	Apr. 21, 1936	Jan. 2, 1937	
75th-92d	Allen J. Ellender	Jan. 3, 1937	Jan. 2, 1973	Died July 27, 1972.
92d	Elaine S. Edwards[6]	Aug. 1, 1972	Do.	
92d-101st	J. Bennett Johnston	Nov. 14, 1972	Jan. 2, 1991	By gov., to fill vac.

CLASS 3 835

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
12th	Allan B. Magruder	Sept. 3, 1812	Mar. 3, 1813	
13th-15th	Eligius Fromentin	Mar. 4, 1813	Mar. 3, 1819	
16th-18th	James Brown	Mar. 4, 1819	Mar. 3, 1825	Res. Dec. 10, 1823.
18th-24th	Josiah S. Johnston[7]	Jan. 15, 1824	Mar. 3, 1837	
23d-24th	Alexander Porter[8]	Dec. 19, 1833	Do.	
24th-27th	Alexander Mouton	Jan. 12, 1837	Mar. 3, 1843	Res. Mar. 1, 1842.
27th	Charles M. Conrad	Apr. 14, 1842	Do.	
28th-30th	Henry Johnson[9]	Feb. 12, 1844	Mar. 3, 1849	
31st-33d	Pierre Soulé	Mar. 4, 1849	Mar. 3, 1855	Res. Apr. 11, 1853.
33d-36th	John Slidell[10]	Apr. 28, 1853	Mar. 3, 1861	
40th-44th	William P. Kellogg[11]	July 8, 1868	Mar. 3, 1873	
44th-45th	James B. Eustis	Jan. 12, 1876	Mar. 3, 1879	
46th-48th	Benjamin F. Jonas	Mar. 4, 1879	Mar. 3, 1885	
49th-51st	James B. Eustis	Mar. 4, 1885	Mar. 3, 1891	
52d-54th	Edward D. White[12]	Mar. 4, 1891	Mar. 3, 1897	
53d	Newton C. Blanchard	Mar. 12, 1894	May 22, 1894	By gov., to fill vac.
53d-54th	......do	May 23, 1894	Mar. 3, 1897	
55th-63d	Samuel D. McEnery[13]	Mar. 4, 1897	Mar. 3, 1915	
61st-63d	John R. Thornton	Dec. 7, 1910	Mar. 3, 1915	
64th-66th	Robert F. Broussard	Mar. 4, 1915	Mar. 3, 1921	Died Apr. 12, 1918.
65th	Walter Guion	Apr. 22, 1918	Nov. 5, 1918	By gov., to fill vac.
65th-66th	Edward J. Gay	Nov. 6, 1918	Mar. 3, 1921	
67th-72d	Edwin S. Broussard	Mar. 4, 1921	Mar. 3, 1933	
73d-81st	John H. Overton	Mar. 4, 1933	Jan. 2, 1951	Died Mar. 14, 1948.
80th	William C. Feazel	May 18, 1948	Dec. 30, 1948	By gov., to fill vac.
80th-99th	Russell B. Long[14]	Dec. 31, 1948	Jan. 2, 1987	
100th-102d	John B. Breaux	Jan. 3, 1987	Jan. 2, 1993	

[1] Not sworn. Resigned Oct. 1, 1812.

[2] Elected in place of Chas. E. A. Gayarre, who did not qualify. Vacancy from Mar. 4, 1835, to Jan. 13, 1836.

[3] Retired Feb. 4, 1861. Seat declared vacant Mar. 14, 1861. Vacancy from Feb. 4, 1861, to July 8, 1868, because of Civil War.

[4] By legislature, to fill vacancy in term beginning Mar. 4, 1865.

[5] Elected Nov. 4, 1930. Took oath Jan. 25, 1932. Governor during interim. Died Sept. 10, 1935. Vacancy from Sept. 11, 1935 to Jan. 30, 1936.

[6] By governor, to fill vacancy. Resigned, effective Nov. 13, 1972.

[7] Died May 19, 1833. Vacancy from May 20 to Dec. 18, 1833.

[8] Resigned Jan. 5, 1837; subsequently elected for term beginning Mar. 4, 1843, but did not qualify.

[9] Alexander Porter was elected for this term. Did not present credentials nor qualify. Vacancy from Mar. 4, 1843, to Feb. 12, 1844.

[10] Retired from the Senate Feb. 4, 1861. Vacancy from Feb. 4, 1861, to July 8, 1868, because of Civil War.

[11] By legislature, to fill vacancy in term beginning Mar. 4, 1867. Resigned Nov. 1, 1872. Vacancy from Nov. 1, 1872, to Jan. 12, 1876.

[12] Resigned, effective Mar. 12, 1894.

[13] Died June 28, 1910. Vacancy from June 29 to Dec. 6, 1910.

[14] Elected Nov. 2, 1948, for term expiring Jan. 2, 1951. Oath administered Dec. 31, 1948.

MAINE

CLASS 1 836

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
16th-19th	John Holmes	June 13, 1820	Mar. 3, 1827	
20th-22d	Albion K. Parris	Mar. 4, 1827	Mar. 3, 1833	Res. Aug. 26, 1828.
Do	John Holmes	Jan. 15, 1829	Do.	
23d-25th	Ether Shepley	Mar. 4, 1833	Mar. 3, 1839	Res. Mar. 3, 1836.

See footnotes at end of Maine table.

MAINE—Continued

CLASS 1—Continued

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
24th	Judah Dana	Dec. 7, 1836	Feb. 22, 1837	By gov., to fill vac.
25th-28th	Reuel Williams	Feb. 22, 1837	Mar. 3, 1845	Res. Feb. 15, 1843.
28th-31st	John Fairfield	Mar. 3, 1843	Mar. 3, 1851	Died Dec. 24, 1847.
30th	Wyman B. S. Moor	Jan. 5, 1848	May 26, 1848	By gov., to fill vac.
30th-34th	Hannibal Hamlin	May 26, 1848	Mar. 3, 1857	Res. Jan. 7, 1857.
34th	Amos Nourse	Jan. 16, 1857	Do.	
35th-37th	Hannibal Hamlin [1]	Mar. 4, 1857	Mar. 3, 1863	
36th-40th	Lot Myrick Morrill	Jan. 17, 1861	Mar. 3, 1869	
41st-46th	Hannibal Hamlin	Mar. 4, 1869	Mar. 3, 1881	
47th-61st	Eugene Hale	Mar. 4, 1881	Mar. 3, 1911	
62d-64th	Charles F. Johnson	Mar. 4, 1911	Mar. 3, 1917	
65th-76th	Frederick Hale	Mar. 4, 1917	Jan. 2, 1941	
77th-82d	Ralph O. Brewster	Jan. 3, 1941	Jan. 2, 1953	
83d-85th	Frederick G. Payne	Jan. 3, 1953	Jan. 2, 1959	
86th-97th	Edmund S. Muskie [2]	Jan. 3, 1959	Jan. 2, 1983	
96th-103d	George J. Mitchell [3]	May 17, 1980	Jan. 2, 1995	

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CLASS 2

16th-20th	John Chandler	June 14, 1820	Mar. 3, 1829	
21st-23d	Peleg Sprague	Mar. 4, 1829	Mar. 3, 1835	Res. Jan. 1, 1835.
23d-26th	John Ruggles	Jan. 20, 1835	Mar. 3, 1841	
27th-29th	George Evans	Mar. 4, 1841	Mar. 3, 1847	
30th-32d	James W. Bradbury	Mar. 4, 1847	Mar. 3, 1853	
33d-38th	William Pitt Fessenden	Feb. 10, 1854	Mar. 3, 1865	Res. July 1, 1864.
38th	Nathan A. Farwell	Oct. 27, 1864	Jan. 10, 1865	By gov., to fill vac.
Do	......do	Jan. 11, 1865	Mar. 3, 1865	
39th-41st	William Pitt Fessenden	Mar. 4, 1865	Mar. 3, 1871	Died Sept. 9, 1869.
41st	Lot Myrick Morrill	Oct. 30, 1869	Jan. 18, 1870	By gov., to fill vac.
41st-44th	......do	Jan. 19, 1870	Mar. 3, 1877	Res. July 7, 1876.
44th	James G. Blaine	July 10, 1876	Jan. 16, 1877	By gov., to fill vac.
44th-47th	......do	Jan. 17, 1877	Mar. 3, 1883	Res. Mar. 5, 1881.
47th-62d	William P. Frye [4]	Mar. 18, 1881	Mar. 3, 1913	
62d	Obadiah Gardner	Sept. 23, 1911	Apr. 1, 1912	By Gov., to fill vac.
Do	......do	Apr. 2, 1912	Mar. 3, 1913	
63d-65th	Edwin C. Burleigh [5]	Mar. 4, 1913	Mar. 3, 1919	
64th-71st	Bert M. Fernald	Sept. 12, 1916	Mar. 3, 1931	Died Aug. 23, 1926.
69th-71st	Arthur R. Gould	Nov. 30, 1926	Mar. 3, 1931	
72d-80th	Wallace H. White, Jr.	Mar. 4, 1931	Jan. 2, 1949	
81st-92d	Margaret Chase Smith	Jan. 3, 1949	Jan. 2, 1973	
93d-95th	William D. Hathaway	Jan. 3, 1973	Jan. 2, 1979	
96th-101st	William S. Cohen	Jan. 3, 1979	Jan. 2, 1991.	

[1] Resigned Jan. 7, 1861, to take effect Jan. 17, 1861.

[2] Resigned May 7, 1980, having been confirmed as Secretary of State by the Senate.

[3] By governor, to fill vacancy in term ending Jan. 2, 1983. Vacancy from May 8 to May 16, 1980.

[4] Elected Mar. 15, 1881. Resigned From House Mar. 17, 1881. Died Aug. 8, 1911.

[5] Died June 16, 1916. Vacancy from June 17 to Sept. 11, 1916, because of recess of legislature.

MARYLAND

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CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
1st-4th	C. Carroll, of Carrollton	Mar. 4, 1789	Mar. 3, 1797	Res. Nov. 30, 1792.
2d-4th	Richard Potts	Jan. 10, 1793	Do.	Res. Oct. 24, 1796.
4th-7th	John E. Howard	Nov. 30, 1796	Mar. 3, 1803	
8th-10th	Samuel Smith	Mar. 4, 1803	Mar. 3, 1809	
11th	......do	Mar. 4, 1809	Nov. 15, 1809	By gov., to fill vac.
11th-13th	......do	Nov. 16, 1809	Mar. 3, 1815	
14th-16th	Robert G. Harper [1]	Jan. 29, 1816	Mar. 3, 1821	
Do	Alexander Contee Hanson	Dec. 20, 1816	Do.	Died Apr. 23, 1819.
16th-19th	William Pinkney	Dec. 21, 1819	Mar. 3, 1827	Died Feb. 25, 1822.

See footnotes at end of Maryland table.

MARYLAND—Continued

CLASS 1—Continued

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
17th-23d	Samuel Smith	Dec. 16, 1822	Mar. 3, 1833	
23d-25th	Joseph Kent	Mar. 4, 1833	Mar. 3, 1839	Died Nov. 24, 1837.
25th-28th	William D. Merrick	Jan. 4, 1838	Mar. 3, 1845	
29th-31st	Reverdy Johnson	Mar. 4, 1845	Mar. 3, 1851	Res. Mar. 7, 1849.
31st	David Stewart	Dec. 6, 1849	Jan. 12, 1850	By gov., to fill vac.
31st-34th	Thomas G. Pratt	Jan. 12, 1850	Mar. 3, 1857	
35th-37th	Anthony Kennedy	Mar. 4, 1857	Mar. 3, 1863	
38th-40th	Reverdy Johnson	Mar. 4, 1863	Mar. 3, 1869	Res. July 10, 1868.
40th	William Pinkney Whyte	July 13, 1868	Do.	By gov., to fill vac.
41st-43d	William T. Hamilton	Mar. 4, 1869	Mar. 3, 1875	
44th-46th	William Pinkney Whyte	Mar. 4, 1875	Mar. 3, 1881	
47th-55th	Arthur P. Gorman	Mar. 4, 1881	Mar. 3, 1899	
56th-58th	Louis E. McComas	Mar. 4, 1899	Mar. 3, 1905	
59th-64th	Isidor Rayner	Mar. 4, 1905	Mar. 3, 1917	Died Nov. 25, 1912.
62d-63d	William P. Jackson	Nov. 29, 1912	Jan. 28, 1914	By gov., to fill vac.
63d-64th	Blair Lee	Jan. 29, 1914	Mar. 3, 1917	
65th-67th	Joseph L. France	Mar. 4, 1917	Mar. 3, 1923	
68th-70th	William Cabell Bruce	Mar. 4, 1923	Mar. 3, 1929	
71st-73d	Phillips Lee Goldsborough	Mar. 4, 1929	Jan. 2, 1935	
74th-79th	George W. Radcliffe	Jan. 3, 1935	Jan. 2, 1947	
80th-82d	Herbert R. O'Conor	Jan. 3, 1947	Jan. 2, 1953	
83d-88th	J. Glenn Beall	Jan. 3, 1953	Jan. 2, 1965	
89th-91st	Joseph D. Tydings	Jan. 3, 1965	Jan. 2, 1971	
92d-94th	J. Glenn Beall, Jr	Jan. 3, 1971	Jan. 2, 1977	
95th-103d	Paul S. Sarbanes	Jan. 3, 1977	Jan. 2, 1995	

CLASS 3

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
1st-6th	John Henry	Mar. 4, 1789	Mar. 3, 1801	Res. Dec. 10, 1797.
5th-6th	James Lloyd	Dec. 11, 1797	Do.	Res. Dec. 1, 1800.
6th	William Hindman	Dec. 12, 1800	Do.	
7th	......do	Mar. 4, 1801	Nov. 19, 1801	By gov., to fill vac.
7th-9th	Robert Wright	Nov. 19, 1801	Mar. 3, 1807	Res. Nov. 12, 1806.
9th-12th	Philip Reed	Nov. 25, 1806	Mar. 3, 1813	
13th-15th	Robert H. Goldsborough	May 21, 1813	Mar. 3, 1819	
16th-21st	Edward Lloyd	Dec. 21, 1819	Mar. 3, 1831	Res. Jan. 4, 1826.
19th-24th	Ezekiel F. Chambers	Jan. 24, 1826	Mar. 3, 1837	Res. in 1834.
23d-24th	Robert H. Goldsborough	Jan. 13, 1835	Do.	Died Oct. 5, 1936.
24th-27th	John S. Spence	Dec. 31, 1836	Mar. 3, 1843	Died Oct. 24, 1840.
26th-27th	John Leeds Kerr	Jan. 5, 1841	Do.	
28th-29th	James A. Pearce	Mar. 4, 1843	Mar. 3, 1867	Died Dec. 20, 1862.
37th-38th	Thomas H. Hicks	Dec. 29, 1862	Jan. 11, 1864	By gov., to fill vac.
38th-39th	......do	Jan. 12, 1864	Mar. 3, 1867	Died Feb. 14, 1865.
39th	John A. J. Cresswell	Mar. 9, 1865	Do.	
40th-42d	George Vickers[2]	Mar. 7, 1868	Mar. 3, 1873	
43d-45th	George R. Dennis	Mar. 4, 1873	Mar. 3, 1879	
46th-48th	James B. Groome	Mar. 4, 1879	Mar. 3, 1885	
49th-51st	Ephraim King Wilson[3]	Mar. 4, 1885	Mar. 3, 1891	
52d	Charles H. Gibson	Nov. 19, 1891	Jan. 2, 1892	By gov., to fill vac.
52d-54th	......do	Jan. 21, 1892	Mar. 3, 1897	
55th-57th	George L. Wellington	Mar. 4, 1897	Mar. 3, 1903	
58th-60th	Arthur P. Gorman	Mar. 4, 1903	Mar. 3, 1909	Died June 4, 1906.
59th-60th	William Pinkney Whyte	June 8, 1906	Jan. 14, 1908	By gov. to fill vac.
60th	......do	Jan. 15, 1908	Mar. 3, 1909	Died Mar. 17, 1908.
60th-66th	John Walter Smith	Mar. 25, 1908	Mar. 3, 1921	
67th-69th	Ovington E. Weller	Mar. 4, 1921	Mar. 3, 1927	
70th-81st	Millard E. Tydings	Mar. 4, 1927	Jan. 2, 1951	
82d-87th	John Marshall Butler	Jan. 3, 1951	Jan. 2, 1963	
88th-90th	Daniel B. Brewster	Jan. 3, 1963	Jan. 2, 1969	
91st-99th	Charles McC. Mathias, Jr	Jan. 3, 1969	Jan. 2, 1987	
100th-102d	Barbara A. Mikulski	Jan. 3, 1987	Jan. 2, 1993	

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[1] Vacancy from Mar. 4, 1815, to Jan. 28, 1816, because of failure of legislature to elect. Resigned Dec. 6, 1816.

[2] Phillip F. Thomas was elected but was not permitted to qualify. Vacancy from Mar. 4, 1867, to Mar. 6, 1868.

[3] Died Feb. 24, 1891. Had been reelected on Jan. 15, 1890, for the term beginning Mar. 4, 1891. Vacancy from Feb. 25 to Nov. 18, 1891, because of recess of legislature.

MASSACHUSETTS

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CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
1st	Tristram Dalton	Mar. 4, 1789	Mar. 3, 1791	
2d-4th	George Cabot	Mar. 4, 1791	Mar. 3, 1797	Res. June 9, 1796.
4th-7th	Benjamin Goodhue	June 11, 1796	Mar. 3, 1803	Res. Nov. 8, 1800.
6th-7th	Jonathan Mason	Nov. 14, 1800	Do.	
8th-10th	John Quincy Adams	Mar. 4, 1803	Mar. 3, 1809	Res. June 8, 1808.
10th-13th	James Lloyd	June 9, 1808	Mar. 3, 1815	Res. May 1, 1813.
13th	Christopher Gore	May 5, 1813	May 29, 1813	By gov., to fill vac.
13th-16th	......do	May 30, 1813	Mar. 3, 1821	Res. May 30, 1816.
14th-16th	Eli P. Ashmun	June 12, 1816	Do.	Res. May 10, 1818.
15th-16th	Prentiss Mellen	June 5, 1818	Do.	Res. May 15, 1820.
16th-19th	Elijah H. Mills	June 12, 1820	Mar. 3, 1827	
20th-28th	Daniel Webster	May 30, 1827	Mar. 3, 1845	Res. Feb. 22, 1841.
28th-28th	Rufus Choate	Feb. 23, 1841	Do.	
29th-31st	Daniel Webster	Mar. 4, 1845	Mar. 3, 1851	Res. July 22, 1850.
31st	Robert C. Winthrop	July 30, 1850	Feb. 1, 1851	By gov., to fill vac.
Do	Robert Rantoul	Feb. 1, 1851	Mar. 3, 1851	
32d-43d	Charles Sumner	Mar. 4, 1851	Mar. 3, 1875	Died Mar. 11, 1874
43d	William B. Washburn	Apr. 17, 1874	Mar. 3, 1875	
44th-52d	Henry L. Dawes	Mar. 4, 1875	Mar. 3, 1893	
53d-70th	Henry Cabot Lodge	Mar. 4, 1893	Mar. 3, 1929	Died Nov. 9, 1924.
69th	William M. Butler	Nov. 13, 1924	Dec. 5, 1926	By gov., to fill vac.
69th-79th	David I. Walsh	Dec. 6, 1926	Jan. 2, 1947	
80th-82d	Henry Cabot Lodge, Jr	Jan. 3, 1947	Jan. 2, 1953	
83d-88th	John F. Kennedy [1]	Jan. 3, 1953	Jan. 2, 1965	
87th	Benjamin A. Smith, II	Dec. 27, 1960	Nov. 6, 1962	By gov., to fill vac.
87th-103d	Edward M. Kennedy	Nov. 7, 1962	Jan. 2, 1995	

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CLASS 2

1st-5th	Caleb Strong	Mar. 4, 1789	Mar. 3, 1799	Res. June 1, 1796.
4th-5th	Theodore Sedgwick	June 11, 1796	Do.	
6th-8th	Samuel Dexter	Mar. 4, 1799	Mar. 3, 1805	Res. May 30, 1800.
Do	Dwight Foster	June 6, 1800	Do.	Res. Mar. 3, 1803.
8th-11th	Timothy Pickering	Mar. 4, 1803	Mar. 3, 1811	
12th-14th	Joseph B. Varnum	June 8, 1811	Mar. 3, 1817	
15th-17th	Harrison Gray Otis	Mar. 4, 1817	Mar. 3, 1823	Res. May 30, 1822.
17th-20th	James Lloyd	June 5, 1822	Mar. 3, 1829	Res. May 23, 1826.
19th-23d	Nathaniel Silsbee	May 31, 1826	Mar. 3, 1835	
24th-26th	John Davis	Mar. 4, 1835	Mar. 3, 1841	Res. Jan. 5, 1841.
26th-29th	Isaac C. Bates	Jan. 13, 1841	Mar. 3, 1847	Died Mar. 16, 1945.
29th-32d	John Davis	Mar. 24, 1845	Mar. 3, 1853	
33d-35th	Edward Everett	Mar. 4, 1853	Mar. 3, 1859	Res. June 1, 1854.
33d	Julius Rockwell	June 3, 1854	Jan. 31, 1855	By gov., to fill vac.
33d-44th	Henry Wilson	Jan. 31, 1855	Mar. 3, 1877	Res. Mar. 3, 1873.
43d-44th	George S. Boutwell	Mar. 12, 1873	Do.	
45th-59th	George F. Hoar	Mar. 4, 1877	Mar. 3, 1907	Died Sept. 30, 1904.
58th	Winthrop Murray Crane	Oct. 12, 1904	Jan. 17, 1905	By gov., to fill vac.
58th-62d	......do	Jan. 18, 1905	Mar. 3, 1913	
63d-65th	John W. Weeks	Mar. 4, 1913	Mar. 3, 1919	
66th-68th	David I. Walsh	Mar. 4, 1919	Mar. 3, 1925	
69th-71st	Frederick H. Gillett	Mar. 4, 1925	Mar. 3, 1931	
72d-74th	Marcus A. Coolidge	Mar. 4, 1931	Mar. 3, 1937	
75th-80th	Henry Cabot Lodge, Jr	Jan. 3, 1937	Jan. 2, 1949	Res. Feb. 3, 1944.
78th	Sinclair Weeks	Feb. 8, 1944	Dec. 19, 1944	By gov., to fill vac.
78th-89th	Leverett Saltonstall [2]	Jan. 4, 1945	Jan. 2, 1967	
90th-95th	Edward W. Brooke	Jan. 3, 1967	Jan. 2, 1979	
96th-98th	Paul Tsongas	Jan. 3, 1979	Jan. 2, 1985	
99th-101st	John F. Kerry	Jan. 3, 1985	Jan. 2, 1991	

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[1] Resigned Dec. 22, 1960, having been elected President of the United States for the 44th term on Nov. 8, 1960. Vacancy from Dec. 23 to 26, 1960.

[2] Elected Nov. 7, 1944. Took oath Jan. 10, 1945. Governor during interim.

MICHIGAN

CLASS 1 842

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
24th-25th	Lucius Lyon	Jan. 26, 1837	Mar. 3, 1839	
26th-28th	Augustus S. Porter	Jan. 20, 1840	Mar. 3, 1845	
29th-31st	Lewis Cass	Mar. 4, 1845	Mar. 3, 1851	Res. May 29, 1848.
30th	Thomas Fitzgerald	June 8, 1848	Mar. 3, 1849	By gov., to fill vac.
30th-34th	Lewis Cass	Mar. 4, 1849	Mar. 3, 1857	
35th-43d	Zachariah Chandler	Mar. 4, 1857	Mar. 3, 1875	
44th-46th	Isaac P. Christiancy	Mar. 4, 1875	Mar. 3, 1881	Res. Feb. 10, 1879.
46th	Zachariah Chandler	Feb. 19, 1879	Do.	Died Nov. 1, 1879.
Do	Henry P. Baldwin	Nov. 17, 1879	Jan. 18, 1881	By gov., to fill vac.
Do	......do	Jan. 19, 1881	Mar. 3, 1881	
47th-49th	Omar D. Conger	Mar. 4, 1881	Mar. 3, 1887	
50th-55th	Francis B. Stockbridge	Mar. 4, 1887	Mar. 3, 1899	Died Apr. 30, 1894.
53d	John Patton, Jr.	May 5, 1894	Jan. 14, 1895	By gov., to fill vac.
53d-61st	Julius C. Burrows	Jan. 23, 1895	Mar. 3, 1911	
62d-67th	Charles E. Townsend	Mar. 4, 1911	Mar. 3, 1923	
68th-70th	Woodbridge N. Ferris	Mar. 4, 1923	Mar. 3, 1929	Died Mar. 23, 1928.
70th	Arthur H. Vandenberg	Mar. 31, 1928	Nov. 5, 1928	By gov., to fill vac.
70th-82d	......do	Nov. 6, 1928	Jan. 2, 1953	Died Apr. 18, 1951.
82d	Blair Moody	Apr. 22, 1951	Nov. 4, 1952	By gov., to fill vac.
82d-85th	Charles E. Potter [1]	Nov. 5, 1952	Jan. 2, 1959	
86th-94th	Phillip A. Hart	Jan. 3, 1959	Jan. 2, 1977	Died Dec. 26, 1976.
94th-103d	Donald W. Riegle, Jr. [2]	Dec. 30, 1976	Jan. 2, 1995	

CLASS 2 843

24th-26th	John Norvell	Jan. 26, 1837	Mar. 3, 1841	
27th-29th	William Woodbridge	Mar. 4, 1841	Mar. 3, 1847	
30th-32d	Alpheus Felch	Mar. 4, 1847	Mar. 3, 1853	
23d-35th	Charles E. Stuart	Mar. 4, 1853	Mar. 3, 1859	
36th-38th	Kinsley S. Bingham	Mar. 4, 1859	Mar. 3, 1865	Died Oct. 5, 1861.
37th-41st	Jacob M. Howard	Jan. 4, 1862	Mar. 3, 1871	
42d-47th	Thomas W. Ferry	Mar. 4, 1871	Mar. 3, 1883	
48th-50th	Thomas W. Palmer	Mar. 4, 1883	Mar. 3, 1889	
51st-59th	James McMillan	Mar. 4, 1889	Mar. 3, 1907	Died Aug. 10, 1902.
57th	Russell A. Alger	Sept. 27, 1902	Jan. 19, 1903	By gov., to fill vac.
57th-59th	......do	Jan. 20, 1903	Mar. 3, 1907	Died Jan. 24, 1907.
59th-65th	William Alden Smith	Feb. 6, 1907	Mar. 3, 1919	
66th-68th	Truman H. Newberry	Mar. 4, 1919	Mar. 3, 1925	Res. Nov. 18, 1922.
67th-68th	James Couzens	Nov. 29, 1922	Nov. 3, 1924	By gov., to fill vac.
68th-74th	James Couzins [3]	Nov. 4, 1924	Jan. 2, 1937	
74th	Prentiss M. Brown	Nov. 19, 1936	Do.	Do.
75th-77th	......do	Jan. 3, 1937	Jan. 2, 1943	
78th-83d	Homer Ferguson	Jan. 3, 1943	Jan. 2, 1955	
84th-89th	Patrick V. McNamara	Jan. 3, 1955	Jan. 2, 1967	Died Apr. 30, 1966.
89th-95th	Robert P. Griffin [4]	May 11, 1966	Jan. 2, 1979	
96th-101st	Carl Levin	Jan. 3, 1979	Jan. 2, 1991	

[1] Elected Nov. 4, 1952, to fill vacancy in term ending Jan. 2, 1953, and also to fill term ending Jan. 2, 1959.

[2] By governor, to fill vacancy in term ending Jan. 2, 1977.

[3] Died Oct. 22, 1936. Vacancy from Oct. 23 to Nov. 18, 1936.

[4] By governor, to fill vacancy in term ending Jan. 2, 1967.

MINNESOTA

CLASS 1 844

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
35th-37th	Henry M. Rice	May 11, 1858	Mar. 3, 1863	
38th-43d	Alexander Ramsey	Mar. 4, 1863	Mar. 3, 1875	
44th-49th	Samuel J. R. McMillan	Mar. 4, 1875	Mar. 3, 1887	
50th-58th	Cushman K. Davis	Mar. 4, 1887	Mar. 3, 1905	Died Nov. 27, 1900.
56th	Charles A. Towne	Dec. 5, 1900	Jan. 23, 1901	By gov., to fill vac.
56th-64th	Moses E. Clapp	Jan. 23, 1901	Mar. 3, 1917	

See footnotes at end of Minnesota table.

MINNESOTA—Continued

Class 1—Continued

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
65th-67th	Frank B. Kellogg	Mar. 4, 1917	Mar. 3, 1923	
68th-79th	Henrik Shipstead	Mar. 4, 1923	Jan. 2, 1947	
80th-85th	Edward J. Thye	Jan. 3, 1947	Jan. 2, 1959	
86th-91st	Eugene J. McCarthy	Jan. 3, 1959	Jan. 2, 1971	
92nd-97th	Hubert H. Humphrey	Jan. 3, 1971	Jan. 2, 1983	Died Jan. 13, 1978.
95th	Muriel Humphrey[1]	Jan. 25, 1978	Nov. 7, 1978	
95th-103d	David Durenberger[2]	Nov. 8, 1978	Jan. 3, 1995	

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Class 2

35th	James Shields	May 11, 1858	Mar. 3, 1859	
36th-38th	Morton S. Wilkinson	Mar. 4, 1859	Mar 3, 1865	
39th-41st	Daniel S. Norton	Mar. 4, 1865	Mar. 3, 1871	Died July 13, 1870.
41st	William Windom	July 15, 1870	Jan. 22, 1871	By gov., to fill vac.
Do	Ozora P. Stearns	Jan 18, 1871	Mar. 3, 1871	
42d-47th	William Windom	Mar. 4, 1871	Mar. 3, 1883	Res. Mar. 4, 1881.
47th	A. J. Edgerton	Mar.12, 1881	Oct. 26, 1881	By gov. to fill vac.
Do	William Windom	Oct. 27, 1881	Mar. 3, 1883	
48th-50th	Dwight M. Sabin	Mar. 4, 1883	Mar. 3, 1889	
51st-53d	William D. Washburn	Mar. 4, 1889	Mar. 3, 1895	
54th-68th	Knute Nelson	Mar. 4, 1895	Mar. 3, 1925	Died Apr. 28, 1923.
68th	Magnus Johnson	July 16, 1923	Do.	
69th-74th	Thomas D. Schall	Mar. 4, 1925	Jan. 2, 1937	Died Dec. 22, 1935.
74th	Elmer A. Benson	Dec. 27, 1935	Nov. 3, 1936	By gov., to fill vac.
Do	Guy V. Howard	Nov. 4, 1936	Jan. 2, 1937	
75th-77th	Ernest Lundeen[3]	Jan. 3, 1937	Jan. 2, 1943	Died Aug. 31, 1940.
76th-77th	Joseph H. Ball	Oct. 14, 1940	Nov. 17, 1942	By gov., to fill vac.
77th	Arthur E. Nelson	Nov. 18, 1942	Jan. 2, 1943	
78th-80th	Joseph H. Ball	Jan. 3, 1943	Jan. 2, 1949	
81st-88th	Hubert H. Humphrey[4]	Jan. 3, 1949	Jan. 2, 1967	
89th-95th	Walter F. Mondale[5]	Dec. 30, 1964	Jan. 2, 1979	
95th-97th	Wendell R. Anderson[6]	Dec. 30, 1976	Jan. 2, 1979	
96th-101st	Rudy Boschwitz[7]	Dec. 30, 1978	Jan. 2, 1991	

[1] By governor, to fill vacancy in term ending Jan. 2, 1983, until election held on Nov. 7, 1978.

[2] Elected Nov. 7, 1978, to complete vacancy in term ending Jan. 2, 1983.

[3] Vacancy from Sept. 1 to Oct. 13, 1940.

[4] Resigned Dec. 29, 1964, having been elected Vice President of the United States for the 45th term on Nov. 3, 1964.

[5] By governor, to fill vacancy in term ending Jan. 2, 1967. Resigned Dec. 30, 1976, having been elected Vice President of the United States on Nov. 2, 1976.

[6] By governor, to fill vacancy in term ending Jan. 2, 1979. Resigned Dec. 29, 1978.

[7] By governor, to fill vacancy in term ending Jan. 2, 1979.

MISSISSIPPI

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Class 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
15th-16th	Walter Leake	Dec. 10, 1817	Mar. 3, 1821	Res. May 15, 1820.
16th	David Holmes	Aug. 30, 1820	Do.	By gov., to fill vac.
17th-19th	......do.	Mar. 4, 1821	Mar. 3, 1827	Res. Sept. 25, 1825.
19th	Powhatan Ellis	Sept. 28, 1825	Jan. 28, 1826	By gov., to fill vac.
Do	Thomas B. Reed	Jan. 28, 1826	Mar. 3, 1827	
20th-22d	Powhatan Ellis	Mar. 4, 1827	Mar. 3, 1883	Res. July 10, 1832.
22d	John Black	Nov. 12, 1832	Do.	By gov., to fill vac.
23d-25th	......do	Mar. 4, 1883	Mar. 3, 1839	Res. Jan. 22, 1838.
25th	James F. Trotter	Jan. 22, 1838	Do.	Res. July 10, 1838.
Do	Thomas Hickman Williams.	Nov. 12, 1838	Jan. 29, 1839	By gov., to fill vac.
Do	......do	Jan. 30, 1839	Mar. 3, 1839	
26th-28th	John Henderson	Mar. 4, 1839	Mar. 3, 1845	
29th-31st	Jesse Speight	Mar. 4, 1845	Mar. 3, 1851.	Died May 1, 1847.
30th	Jefferson Davis	Aug. 10, 1847	Jan. 10, 1848	By gov., to fill vac.

See footnotes at end of Mississippi table.

MISSISSIPPI—Continued

CLASS 1—Continued

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
30th-34th	......do	Jan. 11, 1848	Mar. 3, 1857	Res. Sept. 23, 1851.
32d	John J. McRae	Dec. 1, 1851	Mar. 17, 1852	By gov., to fill vac.
32d-34th	Stephen Adams	Mar. 17, 1852	Mar. 3, 1857	
35th-37th	Jefferson Davis[1]	Mar. 4, 1857	Mar. 3, 1863	
41st-43d	Adelbert Ames[2]	Jan. 18, 1870	Mar. 3, 1875	
43d	Henry R. Pease	Feb. 3, 1874	Do.	
44th-46th	Blanche K. Bruce	Mar. 4, 1875	Mar. 3, 1881	
47th-55th	James Z. George	Mar. 4, 1881	Mar. 3, 1899	Died Aug. 14, 1897.
55th	Hernando D. Money	Oct. 8, 1897	Jan. 18, 1898	By gov., to fill vac.
55th-61st	......do	Jan. 19, 1898	Mar. 3, 1911	
62d-67th	John Sharp Williams	Mar. 4, 1911	Mar. 3, 1923	
68th-73d	Hubert D. Stephens	Mar. 4, 1923	Jan. 2, 1935	
74th-82d	Theodore G. Bilbo[3]	Jan. 3, 1935	Jan. 2, 1953	
80th-100th	John C. Stennis[4]	Nov. 5, 1947	Jan. 3, 1989	
101st-103d	Trent Lott	Jan. 3, 1989	Jan. 2, 1995	

CLASS 2

15th-20th	Thomas Hill Williams	Dec. 10, 1817	Mar. 3, 1829	
21st-23d	Thomas B. Reed	Mar. 4, 1829	Mar. 3, 1835	Died Nov. 26, 1829.
Do	Robert H. Adams	Jan. 6, 1830	Do.	Died July 2, 1830.
21st	George Poindexter	Oct. 15, 1830	Nov. 17, 1830	By gov., to fill vac.
21st-23d	......do	Nov. 18, 1830	Mar. 3, 1835	
24th-29th	Robert J. Walker	Mar. 4, 1835	Mar. 3, 1847	Res. Mar. 5, 1845.
29th	Joseph W. Chalmers	Nov. 3, 1845	Jan. 9, 1846	By gov., to fill vac.
Do.	......do	Jan. 10, 1846	Mar. 3, 1847	
30th-32d	Henry Stuart Foote	Mar. 4, 1847	Mar. 3, 1853	Res. Jan. 8, 1852.
32d	Walker Brooke	Feb. 18, 1852	Do.	
33d-38th	Albert G. Brown[5]	Mar. 4, 1853	Mar. 3, 1865	
41st	Hiram R. Revels[6]	Jan. 20, 1870	Mar. 3, 1871	
42d-44th	James L. Alcorn[7]	Mar. 4, 1871	Mar. 3, 1877	
45th-50th	Lucius Q. C. Lamar	Mar. 4, 1877	Mar. 3, 1889	Res. Mar. 6, 1885.
49th	Edward C. Walthall	Mar. 9, 1856	Jan. 20, 1886	By gov., to fill vac.
49th-53d	......do	Jan. 20, 1886	Mar. 3, 1895	Res. Jan. 24, 1894.
53d	Anselm J. McLaurin	Feb. 7, 1894	Do.	
54th-56th	Edward C. Walthall	Mar. 4, 1895	Mar. 3, 1901	Died Apr. 21, 1898.
55th-56th	William V. Sullivan	May 31, 1898	Jan. 15, 1900	By gov., to fill vac.
56th	......do	Jan. 16, 1900	Mar. 3, 1901	
57th-62d	Anselm J. McLaurin	Mar. 4, 1901	Mar. 3, 1913	Died Dec. 22, 1909.
61st	James Gordon	Dec. 27, 1909	Feb. 22, 1910	By gov., to fill vac.
61st-62d	Le Roy Percy	Feb. 23, 1910	Mar. 3, 1913	
63d-65th	James K. Vardaman	Mar. 4, 1913	Mar. 3, 1919	
66th-77th	Pat Harrison	Mar. 4, 1919	Jan. 2, 1943	Died June 22, 1941.
77th	James O. Eastland	June 30, 1941	Sept. 28, 1941	By gov., to fill vac.
Do	Wall Doxey	Sept. 29, 1941	Jan. 2, 1943	
78th-95th	James O. Eastland	Jan. 3, 1943	Jan. 2, 1979	Res. Dec. 27, 1978.
96th-101st	Thad Cochran	Dec. 27, 1978	Jan. 2, 1991	By gov., to fill vac.

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[1] Retired from the Senate Jan. 21, 1861. Seat declared vacant Mar. 14, 1861. Vacancy from Jan. 21, 1861, to Jan. 18, 1870, because of Civil War.

[2] By legislature, to fill vacancy in term beginning Mar. 4, 1869; resigned Jan. 10, 1874.

[3] Oath not administered for term beginning Jan. 3, 1947. Died Aug. 21, 1947.

[4] Elected Nov. 4, 1947, to fill vacancy in term ending Jan. 2, 1953.

[5] Retired from the Senate Jan. 12, 1861. Seat declared vacant Mar. 14, 1861. Vacancy from Jan. 14, 1861, to Jan. 20, 1870, because of Civil War.

[6] By legislature, to fill vacancy in term beginning Mar. 4, 1865.

[7] Elected Jan. 18, 1870. Took oath Dec. 4, 1871. Governor during interim.

MISSOURI

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CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
17th-31st	Thomas H. Benton	Aug. 10, 1821	Mar. 3, 1851	
32d-34th	Henry S. Geyer	Mar. 4, 1851	Mar. 3, 1857	
35th-37th	Trusten Polk	Mar. 4, 1857	Mar. 3, 1863	Exp. Jan. 10, 1862.
37th	John B. Henderson	Jan. 17, 1862	Jan. 5, 1863	By gov., to fill vac.
37th-40th	......do	Jan. 6, 1863	Mar. 3, 1869	
41st-43d	Carl Schurz	Mar. 4, 1869	Mar. 3, 1875	
44th-58th	Francis M. Cockrell	Mar. 4, 1875	Mar. 3, 1905	
59th-61st	William Warner[1]	Mar. 18, 1905	Mar. 3, 1911	
62d-70th	James A. Reed	Mar. 4, 1911	Mar. 3, 1929	
71st-73d	Roscoe C. Patterson	Mar. 4, 1929	Jan. 2, 1935	
74th-79th	Harry S. Truman[2]	Jan. 3, 1935	Jan. 2, 1947	
79th	Frank P. Briggs	Jan. 18, 1945	Do.	By gov., to fill vac.
80th-82d	James P. Kem	Jan. 3, 1947	Jan. 2, 1953	
83d-94th	Stuart Symington	Jan. 3, 1953	Jan. 2, 1977	Res. Dec. 27, 1976.
94th-103d	John C. Danforth[3]	Dec. 27, 1976	Jan. 2, 1995	

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CLASS 3

17th-21st	David Barton	Aug. 10, 1821	Mar. 3, 1831	
22d-24th	Alexander Buckner	Mar. 4, 1831	Mar. 3, 1837	Died June 6, 1833.
23d	Lewis F. Linn	Oct. 25, 1833	Nov. 19, 1834	By gov., to fill vac.
23d-30th	......do	Nov. 20, 1834	Mar. 3, 1849	Died Oct. 3, 1843.
28th	David R. Atchison	Oct. 14, 1843	Nov. 19, 1844	By gov., to fill vac.
28th-33d	......do[4]	Nov. 20, 1844	Mar. 3, 1855	
34th-36th	James S. Green	Jan. 12, 1857	Mar. 3, 1861	
37th-39th	Waldo P. Johnson[5]	Mar. 17, 1861	Mar. 3, 1867	
37th-38th	Robert Wilson	Jan. 17, 1862	Nov. 13, 1863	Do.
38th-39th	B. Gratz Brown	Nov. 13, 1863	Mar. 3, 1867	
40th-42d	Charles D. Drake	Mar. 4, 1867	Mar. 3, 1873	Res. Dec. 19, 1870.
41st	Daniel T. Jewett	Dec. 19, 1870	Jan. 20, 1871	By gov., to fill vac.
41st-42d	Francis P. Blair	Jan. 20, 1871	Mar. 3, 1873	
43d-45th	Lewis V. Bogy	Mar. 4, 1873	Mar. 4, 1879	Died Sept. 20, 1877.
45th	David H. Armstrong	Sept. 29, 1877	Jan. 26, 1879	By gov., to fill vac.
Do	James Shields	Jan. 27, 1879	Mar. 3, 1879	
46th-57th	George G. Vest	Mar. 4, 1879	Mar. 3, 1903	
58th-66th	William J. Stone	Mar. 4, 1903	Mar. 3, 1921	Died Apr. 14, 1918.
65th	Xenophon P. Wilfley	Apr. 30, 1918	Nov. 5, 1918	By gov., to fill vac.
65th-69th	Selden P. Spencer	Nov. 6, 1918	Mar. 3, 1927	Died May 16, 1925.
69th	George H. Williams	May 25, 1925	Dec. 5, 1926	By gov., to fill vac.
69th-72d	Harry B. Hawes[6]	Dec. 6, 1926	Mar. 3, 1933	
72d	Bennett Champ Clark	Feb. 3, 1933	Do.	Do.
73d-78th	......do	Mar. 4, 1933	Jan. 2, 1945	
79th-81st	Forrest C. Donnell	Jan. 3, 1945	Jan. 2, 1951	
82d-87th	Thomas C. Hennings, Jr	Jan. 3, 1951	Jan. 2, 1963	Died Sept. 13, 1960.
86th-90th	Edward V. Long[7]	Sept. 23, 1960	Jan. 2, 1969	
90th-99th	Thomas F. Eagleton[8]	Dec. 28, 1968	Jan. 2, 1987	
100th-102d	Christopher S. Bond	Jan. 3, 1987	Jan. 2, 1993	

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[1] Vacancy from Mar. 4 to Mar. 17, 1905, because of failure of legislature to elect.

[2] Resigned Jan. 18, 1945, to become Vice President.

[3] By governor, to fill vacancy in term ending Jan. 2, 1977.

[4] Vacancy from Mar. 4, 1855, to Jan. 12, 1857, and from Mar. 3 to Mar. 17, 1861.

[5] Expelled Jan. 10, 1862. Vacancy from Jan. 10 to Jan. 17, 1862.

[6] Resigned effective Feb. 3, 1933.

[7] By governor, to fill vacancy. Elected Nov. 8, 1960, to fill unexpired term. Resigned Dec. 27, 1968.

[8] By governor, to fill vacancy in term ending Jan. 2, 1969.

MONTANA

Class 1 850

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
51st-52d	Wilbur F. Sanders	Jan. 1, 1890	Mar. 3, 1893	
53d-55th	Lee Mantle[1]	Jan. 16, 1895	Mar. 3, 1899	
56th-58th	William A. Clark[2]	Mar. 4, 1899	Mar. 3, 1905	
57th-58th	Paris Gibson	Mar. 7, 1901	Do.	
59th-61st	Thomas H. Carter	Mar. 4, 1905	Mar. 3, 1911	
62d-67th	Henry L. Myers	Mar. 4, 1911	Mar. 3, 1923	
68th-79th	Burton K. Wheeler	Mar. 4, 1923	Jan. 2, 1947	
80th-82d	Zales N. Ecton	Jan. 3, 1947	Jan. 2, 1953	
83d-94th	Mike Mansfield	Jan. 3, 1953	Jan. 2, 1977	
95th-100th	John Melcher	Jan. 3, 1977	Jan. 3, 1989	
101st-103d	Conrad Burns	Jan. 3, 1989	Jan. 2, 1995	

Class 2 851

51st-53d	Thomas C. Power	Jan. 2, 1890	Mar. 3, 1895	
54th-56th	Thomas H. Carter	Mar. 4, 1895	Mar. 3, 1901	
57th-59th	William A. Clark	Mar. 4, 1901	Mar. 3, 1907	
60th-62d	Joseph M. Dixon	Mar. 4, 1907	Mar. 3, 1913	
63d-74th	Thomas J. Walsh	Mar. 4, 1913	Jan. 2, 1937	Died Mar. 2, 1933.
73d	John E. Erickson	Mar. 13, 1933	Nov. 6, 1934	By gov., to fill vac.
73d-86th	James E. Murray	Nov. 7, 1934	Jan. 2, 1961	
87th-95th	Lee Metcalf	Jan. 3, 1961	Jan. 2, 1979	Died Jan. 12, 1978.
95th	Paul G. Hatfield[3]	Jan. 22, 1978	Do.	
96th-101st	Max Baucus[4]	Dec. 15, 1978	Jan. 2, 1991	

[1] Vacancy from Mar. 4, 1893, to Jan. 16, 1895, because of failure of legislature to elect.
[2] Resigned, to take effect May 15, 1900. Vacancy from May 15, 1900, to Mar. 7, 1901.
[3] By governor, to fill vacancy in term ending Jan. 2, 1979. Resigned Dec. 14, 1978.
[4] By governor, to fill vacancy in term ending Jan. 2, 1979.

NEBRASKA

Class 1 852

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
40th-43d	Thomas W. Tipton	Mar. 1, 1867	Mar. 3, 1875	
44th-46th	Algernon S. Paddock	Mar. 4, 1875	Mar. 3, 1881	
47th-49th	Charles H. Van Wyck	Mar. 4, 1881	Mar. 3, 1887	
50th-52d	Algernon S. Paddock	Mar. 4, 1887	Mar. 3, 1893	
53d-55th	William V. Allen	Mar. 4, 1893	Mar. 3, 1899	
56th-58th	Monroe L. Hayward[1]	Mar. 8, 1899	Mar. 3, 1905	
56th-57th	William V. Allen	Dec. 13, 1899	Mar. 28, 1901	By gov., to fill vac.
57th-58th	Charles H. Dietrich	Mar. 28, 1901	Mar. 3, 1905	
59th-61st	Elmer J. Burkett	Mar. 4, 1905	Mar. 3, 1911	
62d-67th	Gilbert M. Hitchcock	Mar. 4, 1911	Mar. 3, 1923	
68th-73d	Robert B. Howell[2]	Mar. 4, 1923	Jan. 2, 1935	
73d	William H. Thompson	May 24, 1933	Nov. 6, 1934	By gov., to fill vac.
Do	Richard C. Hunter	Nov. 7, 1934	Jan. 2, 1935	
74th-76th	Edward R. Burke	Jan. 3, 1935	Jan. 2, 1941	
77th-85th	Hugh Butler	Jan. 3, 1941	Jan. 2, 1959	Died July 1, 1954.
83d	Sam W. Reynolds	July 3, 1954	Nov. 7, 1954	By gov., to fill vac.
83d-94th	Roman L. Hruska[3]	Nov. 8, 1954	Jan. 2, 1977	
94th-100th	Edward Zorinsky[4]	Dec. 28, 1976	Jan. 2, 1989	Died March 6, 1987.
100th	David K. Karnes	Mar. 11, 1987	Jan. 3, 1989	By gov., to fill vac.
101st-103d	J. Robert Kerrey	Jan. 3, 1989	Jan. 2, 1995	

Class 2 853

40th-41st	John M Thayer	Mar. 1, 1867	Mar. 3, 1871	
42d-44th	Phineas W. Hitchcock	Mar. 4, 1871	Mar. 3, 1877	
45th-47th	Alvin Saunders	Mar. 4, 1877	Mar. 3, 1883	
48th-53d	Charles F. Manderson	Mar. 4, 1883	Mar. 3, 1895	
54th-56th	John M. Thurston[5]	Mar. 4, 1895	Mar. 3, 1901	

See footnotes end of Nebraska table.

NEBRASKA—Continued

CLASS 2—Continued

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
57th-59th	Joseph H. Millard	Mar. 28, 1901	Mar. 3, 1907	
60th-62d	Norris Brown	Mar. 4, 1907	Mar. 3, 1913	
63d-77th	George W. Norris	Mar. 4, 1913	Jan. 2, 1943	
78th-83d	Kenneth S. Wherry	Jan. 3, 1943	Jan. 2, 1955	Died Nov. 29, 1951.
82d	Fred A. Seaton	Dec. 10, 1951	Nov. 4, 1952	By gov., to fill vac.
82d-83d	Dwight Griswold[6]	Nov. 5, 1952	Jan. 2, 1955	Died Apr. 12, 1954.
83d	Eva Bowring	Apr. 16, 1954	Nov. 7, 1954	By gov., to fill vac.
Do	Hazel H. Abel[7]	Nov. 8, 1954	Dec. 31, 1954	
84th-95th	Carl T. Curtis	Jan. 1, 1955	Jan. 2, 1979	
96th-101st	J.J. Exon	Jan. 3, 1979	Jan. 2, 1991	

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[1] Died Dec. 5, 1899, before qualifying.

[2] Died Mar. 11, 1933. Vacancy from Mar. 12 to May 23, 1933.

[3] Elected Nov. 2, 1954, to fill vacancy in term ending Jan. 2, 1959. Resigned Dec. 27, 1976.

[4] By governor, to fill vacancy in term ending Jan. 2, 1977.

[5] Vacancy from Mar. 3 to Mar. 28, 1901, because of failure of legislature to elect.

[6] Elected Nov. 4, 1952, to fill vacancy in term ending Jan. 2, 1955.

[7] Elected Nov. 2, 1954, to fill vacancy in term ending Jan. 2, 1955. Resigned effective Dec. 31, 1954.

NEVADA

854 CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
38th-43d	William M. Stewart	Dec. 15, 1864	Mar. 3, 1875	
44th-46th	William Sharon	Mar. 4, 1875	Mar. 3, 1881	
47th-49th	James G. Fair	Mar. 4, 1881	Mar. 3, 1887	
50th-58th	William M. Stewart	Mar. 4, 1887	Mar. 3, 1905	
59th-64th	George S. Nixon	Mar. 4, 1905	Mar. 3, 1917	Died June 5, 1912.
62d	William A. Massey	July 1, 1912	Jan. 29, 1913	By gov., to fill vac.
62d-76th	Key Pittman	Jan. 29, 1913	Jan. 2, 1941	Died Nov. 10, 1940.
76th-77th	Berkeley L. Bunker	Nov. 27, 1940	Dec. 6, 1942	By gov., to fill vac.
77th-79th	James G. Scrugham	Dec. 7, 1942	Jan. 2, 1947	Died June 23, 1945.
79th	E.P. Carville	July 25, 1945	Do.	By gov., to fill vac.
80th-85th	George W. Malone	Jan. 3, 1947	Jan. 2, 1959	
86th-97th	Howard W. Cannon	Jan. 3, 1959	Jan. 2, 1983	
98th-100th	Chic Hecht	Jan. 3, 1983	Jan. 3, 1989	
101st-103d	Richard H. Bryan	Jan. 3, 1989	Jan. 2, 1995	

855 CLASS 3

38th-42d	James W. Nye	Dec. 16, 1864	Mar. 3, 1873	
43d-57th	John P. Jones	Mar. 4, 1873	Mar. 3, 1903	
58th-66th	Francis G. Newlands	Mar. 4, 1903	Mar. 3, 1921	Died Dec. 24, 1917.
65th	Charles B. Henderson	Jan. 12, 1918	Nov. 5, 1918	By gov., to fill vac.
65th-66th	......do	Nov. 6, 1918	Mar. 3, 1921	
67th-72d	Tasker L. Oddie	Mar. 4, 1921	Mar. 3, 1933	
73d-84th	Patrick A. McCarran	Mar. 4, 1933	Jan. 2, 1957	Died Sept. 28, 1954.
83d	Ernest S. Brown	Oct. 1, 1954	Dec. 1, 1954	By gov., to fill vac.
83d-93d	Alan Bible[1]	Dec. 2, 1954	Jan. 2, 1975	Res. Dec. 17, 1974.
93d-99th	Paul Laxalt[2]	Dec. 18, 1974	Jan. 2, 1987	
100th-102d	Harry M. Reid	Jan. 3, 1987	Jan. 2, 1993	

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[1] Elected Nov. 2, 1954, to fill vacancy in term ending Jan. 2, 1957.

[2] By governor, to fill vacancy in term ending Jan. 2, 1975.

NEW HAMPSHIRE

CLASS 2 856

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
1st-2d	Paine Wingate	Mar. 4, 1789	Mar. 3, 1793	
3d-8th	Samuel Livermore	Mar. 4, 1793	Mar. 3, 1805	Res. June 12, 1801.
7th-8th	Simeon Olcott	June 17, 1801	Do.	
9th-14th	Nicholas Gilman	Mar. 4, 1805	Mar. 3, 1817	Died May 2, 1814.
13th-14th	Thomas W. Thompson	June 24, 1814	Do.	
15th-17th	David L. Morrill	Mar. 4, 1817	Mar. 3, 1823	
18th-23d	Samuel Bell	Mar. 4, 1823	Mar. 3, 1835	
24th-26th	Henry Hubbard	Mar. 4, 1835	Mar. 3, 1841	
27th-29th	Levi Woodbury	Mar. 4, 1841	Mar. 3, 1847	Res. Nov. 20, 1845.
29th	Benning W. Jenness	Dec. 1, 1845	June 13, 1846	By gov., to fill vac.
Do	Joseph Cilley	June 13, 1846	Mar. 3, 1847	
30th-32d	John P. Hale	Mar. 4, 1847	Mar. 3, 1853	
33d-35th	Charles G. Atherton	Mar. 4, 1853	Mar. 3, 1859	Died Nov. 15, 1853.
33d	Jared W. Williams [1]	Nov. 29, 1853	July 15, 1854	
34th-38th	John P. Hale	July 30, 1855	Mar. 3, 1865	
39th-44th	Aaron H. Cragin	Mar. 4, 1865	Mar. 3, 1877	
45th-47th	Edward H. Rollins	Mar. 4, 1877	Mar. 3, 1883	
48th-50th	Austin F. Pike	Mar. 4, 1883	Mar. 3, 1889	Died Oct. 8, 1886.
49th-50th	Person C. Cheney	Nov. 24, 1886	June 14, 1887	By gov., to fill vac.
50th	William E. Chandler	June 14, 1887	Mar. 3, 1889	
51st	Gilman Marston	Mar. 4, 1889	June 18, 1889	By gov., to fill vac.
51st-56th	William E. Chandler	June 19, 1889	Mar. 3, 1901	
57th-62d	Henry E. Burnham	Mar. 4, 1901	Mar. 3, 1913	
63d-65th	Henry F. Hollis [2]	Mar. 13, 1913	Mar. 3, 1919	
66th-74th	Henry W. Keyes	Mar. 4, 1919	Jan. 2, 1937	
75th-89th	Styles Bridges	Jan. 3, 1937	Jan. 2, 1967	Died Nov. 26, 1961.
87th	Maurice J. Murphy, Jr	Dec. 7, 1961	Nov. 6, 1962	By gov., to fill vac.
87th-95th	Thomas J. McIntyre	Nov. 7, 1962	Jan. 2, 1979	
96th-101st	Gordon J. Humphrey	Jan. 3, 1979	Jan. 2, 1991	

CLASS 3 857

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
1st-6th	John Langdon	Mar. 4, 1789	Mar. 3, 1801	
7th-9th	James Sheafe	Mar. 4, 1801	Mar. 3, 1807	Res. June 14, 1802.
Do	William Plumer	June 17, 1802	Do.	
10th-12th	Nahum Parker	Mar. 4, 1807	Mar. 3, 1813	Res. June 1, 1810.
11th-12th	Charles Cutts	June 21, 1810	Do.	
13th	......do	Apr. 2, 1813	June 10, 1813	By gov., to fill vac.
13th-15th	Jeremiah Mason	June 10, 1813	Mar. 3, 1819	Res. June 16, 1817.
15th	Clement Storer	June 27, 1817	Do.	
16th-18th	John F. Parrott	Mar. 4, 1819	Mar. 3, 1825	
19th-21st	Levi Woodbury	June 16, 1825	Mar. 3, 1831	
22d-24th	Isaac Hill	Mar. 4, 1831	Mar. 3, 1837	Res. May 30, 1836.
24th	John Page	June 8, 1836	Do.	
25th-27th	Franklin Pierce	Mar. 4, 1837	Mar. 3, 1834	Res. Feb. 28, 1842.
27th	Leonard Wilcox	Mar. 1, 1842	June 8, 1842	By gov., to fill vac.
Do	......do	June 9, 1842	Mar. 3, 1843	
28th-30th	Charles G. Atherton	Mar. 4, 1843	Mar. 3, 1849	
31st-33d	Moses Norris, Jr	Mar. 4, 1849	Mar. 3, 1855	Died Jan. 11, 1855.
33d	John S. Wells [3]	Jan. 16, 1855	Do.	
34th-36th	James Bell	July 30, 1855	Mar. 3, 1861	Died May 26, 1857.
35th-39th	Daniel Clark	June 27, 1857	Mar. 3, 1867	Res. July 27, 1866.
39th	George G. Fogg	Aug. 31, 1866	Do.	By gov., to fill vac.
40th-42d	James W. Patterson	Mar. 4, 1867	Mar. 3, 1873	
43d-45th	Bainbridge Wadleigh	Mar. 4, 1873	Mar. 3, 1879	
46th	Charles H. Bell	Mar. 13, 1879	June 16, 1879	Do.
46th-48th	Henry W. Blair	June 17, 1879	Mar. 3, 1885	
49th	......do	Mar. 5, 1885	June 16, 1885	Do.
49th-51st	......do	June 17, 1885	Mar. 3, 1891	
52d-66th	Jacob H. Gallinger	Mar. 4, 1891	Mar. 3, 1921	Died Aug. 17, 1918.
65th	Irving W. Drew	Sept. 2, 1918	Nov. 5, 1918	By gov., to fill vac.
65th-72d	George H. Moses	Nov. 6, 1918	Mar. 3, 1933	
73d-75th	Fred H. Brown	Mar. 4, 1933	Jan. 2, 1939	
76th-84th	Charles W. Tobey	Jan. 3, 1939	Jan. 2, 1957	Died July 24, 1953.
83d	Robert W. Upton	Aug. 14, 1953	Nov. 7, 1954	By gov., to fill vac.
83d-93d	Norris Cotton [4]	Nov. 8, 1954	Jan. 2, 1975	Res. Dec. 31, 1974.
93d	Louis C. Wyman	Jan. 1, 1975	Jan. 2, 1975	By gov., to fill vac.

See footnotes at end of New Hampshire table.

NEW HAMPSHIRE—Continued

CLASS 3—Continued

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
94th	Norris Cotton [5]	Aug. 8, 1975	Sept. 17, 1975	
94th-96th	John A. Durkin [6]	Sept. 18, 1975	Jan. 2, 1981	
96th-102d	Warren Rudman [7]	Dec. 29, 1980	Jan. 2, 1993	

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[1] By governor, to fill vacancy. Senate resolution of Aug. 3, 1854, declared that representation under the appointment had expired. Vacancy from Aug. 4, 1854, to July 29, 1855.

[2] Vacancy from Mar. 3 to Mar. 13, because of failure of legislature to elect.

[3] By governor to fill vacancy. Vacancy from Mar. 4 to July 29, 1855.

[4] Elected Nov. 2, 1954, to fill vacancy in term ending Jan. 2, 1957.

[5] By governor, to fill vacancy until new senatorial election. Vacancy Jan. 3, 1975, to Aug. 8, 1975, due to contested election.

[6] Elected Sept. 16, 1975, to fill vacancy in unexpired term ending Jan. 2, 1981, caused by the declaration of the Senate. Resigned Dec. 29, 1980.

[7] By governor, to fill vacancy in term ending Jan. 2, 1981.

NEW JERSEY

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CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
1st	Jonathan Elmer	Mar. 4, 1789	Mar. 3, 1791	
2d-7th	John Rutherfurd	Mar. 4, 1791	Mar. 3, 1803	Res. Nov. 26, 1798.
5th	Franklin Davenport	Dec. 5, 1798	Mar. 3, 1799	By gov., to fill vac.
5th-7th	James Schureman [1]	Mar. 4, 1799	Mar. 3, 1803	
6th-7th	Aaron Ogden	Feb. 28, 1801	Do.	
8th	John Condit [2]	Sept. 1, 1803	Nov. 2, 1803	
8th-10th	......do	Nov. 3, 1803	Mar. 3, 1809	
11th-13th	John Lambert	Mar. 4, 1809	Mar. 3, 1815	
14th-16th	James J. Wilson	Mar. 4, 1815	Mar. 3, 1821	Res. Jan. 8, 1821.
16th	Samuel L. Southard	Jan. 26, 1821	Do.	By gov., to fill vac.
17th-19th	......do	Mar. 4, 1821	Mar. 3, 1827	Res. Mar. 3, 1823.
18th-19th	Joseph McIlvaine	Nov. 12, 1823	Do.	Died Aug. 19, 1826.
19th-22d	Ephraim Bateman	Nov. 10, 1826	Mar. 3, 1833	Res. Jan. 12, 1829.
20th-22d	Mahlon Dickerson	Jan. 30, 1829	Do.	
23d-28th	Samuel L. Southard	Mar. 4, 1833	Mar. 3, 1845	Died June 26, 1842.
27th	William L. Dayton	July 2, 1842	Oct. 27, 1842	By gov., to fill vac.
27th-31st	......do	Oct. 28, 1842	Mar. 3, 1851	
32d-34th	Robert F. Stockton	Mar. 4, 1851	Mar. 3, 1857	Res. Jan. 10, 1853.
33d-37th	John R. Thomson	Mar. 4, 1853	Mar. 3, 1863	Died Sept. 12, 1862.
37th	Richard S. Field	Nov. 21, 1862	Jan. 14, 1863	By gov., to fill vac.
Do	James W. Wall	Jan. 14, 1863	Mar. 3, 1863	
38th-40th	William Wright	Mar. 4, 1863	Mar. 3, 1869	Died Nov. 1, 1866.
39th	Frederick T. Frelinghuysen.	Nov. 12, 1866	Jan. 22, 1867	By gov., to fill vac.
39th-40th	......do	Jan. 23, 1867	Mar. 3, 1869	
41st-43d	John P. Stockton	Mar. 4, 1869	Mar. 3, 1875	
44th-46th	Theodore F. Randolph	Mar. 4, 1875	Mar. 3, 1881	
47th-49th	William J. Sewell	Mar. 4, 1881	Mar. 3, 1887	
50th-52d	Rufus Blodgett	Mar. 4, 1887	Mar. 3, 1893	
53d-55th	James Smith, Jr	Mar. 4, 1893	Mar. 3, 1899	
56th-61st	John Kean	Mar. 4, 1899	Mar. 3, 1911	
62d-64th	James E. Martine	Mar. 4, 1911	Mar. 3, 1917	
65th-67th	Joseph S. Frelinghuysen	Mar. 4, 1917	Mar. 3, 1923	
68th-70th	Edward I. Edwards	Mar. 4, 1923	Mar. 3, 1929	
71st-73d	Hamilton F. Kean	Mar. 4, 1929	Jan. 2, 1935	
74th-76th	A. Harry Moore	Jan. 3, 1935	Jan. 2, 1941	Res. Jan. 18, 1938.
75th	John Milton	Jan. 18, 1938	Nov. 8, 1938	By gov., to fill vac.
75th-79th	W. Warren Barbour	Nov. 9, 1938	Jan. 2, 1947	Died Nov. 22, 1943.
78th	Arthur Walsh	Nov. 26, 1943	Dec. 6, 1944	By gov., to fill vac.
78th-85th	H. Alexander Smith [3]	Dec. 7, 1944	Jan. 2, 1950	
86th-97th	Harrison A. Williams, Jr. [4].	Jan. 3, 1959	Jan. 2, 1983	
97th	Nicholas F. Brady [5]	Apr. 20, 1982	Jan. 2, 1983	By gov., to fill vac.
98th-103d	Frank R. Lautenberg [6]	Jan. 3, 1983	Jan. 2, 1995	

See footnotes at end of New Jersey table.

NEW JERSEY—Continued

CLASS 1—Continued

CLASS 2 859

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
1st-2d	William Paterson	Mar. 4, 1789	Mar. 3, 1793	Res. Nov. 13, 1790.
Do	Philemon Dickinson	Nov. 23, 1790	Do.	
3d-5th	Frederick Frelinghuysen	Mar. 4, 1793	Mar. 3, 1799	Res. Nov. 12, 1796.
4th-5th	Richard Stockton	Nov. 12, 1796	Do.	
6th-8th	Jonathan Dayton	Mar. 4, 1799	Mar. 3, 1805	
9th-11th	Aaron Kitchell	Mar. 4, 1805	Mar. 3, 1811	Res. Mar. 12, 1809.
11th	John Condit	Mar. 21, 1809	Nov. 1, 1809	By gov., to fill vac.
11th-14th	......do	Nov. 2, 1809	Mar. 3, 1817	
15th-20th	Mahlon Dickerson	Mar. 4, 1817	Mar. 3, 1829	Res. Jan. 30, 1829.
21st-23d	Theodore Frelinghuysen	Mar. 4, 1829	Mar. 3, 1835	
24th-26th	Garret D. Wall	Mar. 4, 1835	Mar. 3, 1841	
27th-32d	Jacob W. Miller	Mar. 4, 1841	Mar. 3, 1853	
33d-35th	William Wright	Mar. 4, 1853	Mar. 3, 1859	
36th-38th	John C. Ten Eyck	Mar. 4, 1859	Mar. 3, 1865	
39th-41st	John P. Stockton[7]	Mar. 4, 1865	Mar. 3, 1871	
Do	Alexander G. Cattell[8]	Sept. 19, 1866	Do.	
42d-44th	Frederick T. Frelinghuysen.	Mar. 4, 1871	Mar. 3, 1877	
45th-53d	John R. McPherson	Mar. 4, 1877	Mar. 3, 1895	
54th-59th	William J. Sewell	Mar. 4, 1895	Mar. 3, 1907	Died Dec. 27, 1901.
57th-59th	John F. Dryden	Jan. 29, 1902	Do.	
60th-62d	Frank O. Briggs	Mar. 4, 1907	Mar. 3, 1913	
63d-65th	William Hughes	Mar. 4, 1913	Mar. 3, 1919	Died Jan. 30, 1918.
65th	David Baird	Feb. 23, 1918	Nov. 5, 1918	By gov., to fill vac.
Do	......do	Nov. 6, 1918	Mar. 3, 1919	
66th-71st	Walter E. Edge	Mar. 4, 1919	Mar. 3, 1931	Res. Nov. 21, 1929.
71st	David Baird, Jr	Nov. 30, 1929	Dec. 2, 1930	By gov., to fill vac.
71st-74th	Dwight W. Morrow	Dec. 3, 1930	Jan. 2, 1937	Died Oct. 5, 1931.
72d	W. Warren Barbour	Dec. 1, 1931	Nov. 8, 1932	By gov., to fill vac.
72d-74th	......do	Nov. 9, 1932	Jan. 2, 1937	
75th-77th	William H. Smathers[9]	Jan. 3, 1937	Jan. 2, 1943	
78th-80th	Albert W. Hawkes	Jan. 3, 1943	Jan. 2, 1949	
81st-83d	Robert C. Hendrickson	Jan 3, 1949	Jan. 2, 1955	
84th-95th	Clifford P. Case	Jan. 3, 1955	Jan. 2, 1979	
96th-101st	Bill Bradley	Jan. 3, 1979	Jan. 2, 1991	

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[1] Elected Feb. 14, 1799. Served in the House during interim. Resigned Feb. 16, 1801.

[2] By governor, to fill vacancy. Vacancy from Mar. 3, to Sept. 1, 1803, because of failure of legislature to elect.

[3] Elected Nov. 7, 1944, to fill vacancy in term ending Jan. 2, 1947.

[4] Resigned from the Senate Mar. 11, 1982.

[5] Resigned Dec. 26, 1982.

[6] Appointed by gov., Dec. 27, 1982, to complete the unexpired term of Nicholas F. Brady, ending Jan. 3, 1983.

[7] Seat declared vacant Mar. 27, 1866.

[8] To fill unexpired term of John P. Stockton, unseated. Vacancy from Mar. 28 to Sept. 18, 1866.

[9] Elected Nov. 3, 1936. Took oath Apr. 15, 1937. Served as a State senator during interim.

NEW MEXICO

CLASS 1 860

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
62d-64th	Thomas B. Catron	Mar. 27, 1912	Mar. 3, 1917	
65th-70th	Andrieus A. Jones	Mar. 4, 1917	Mar. 3, 1929	Died Dec. 20, 1927.
70th	Bronson Cutting	Dec. 29, 1927	Dec. 6, 1928	By gov., to fill vac.
Do	Octaviano A. Larrazolo	Dec. 7, 1928	Mar. 3, 1929	
71st-76th	Bronson Cutting	Mar. 4, 1929	Jan. 2, 1941	Died May 6, 1935.
74th	Dennis Chavez	May 11, 1935	Nov. 3, 1936	By gov., to fill vac.
74th-88th	......do.[1]	Nov. 4, 1936	Jan. 2, 1965	Died Nov. 18, 1962.
87th-88th	E. L. Mechem[2]	Nov. 30, 1962	Nov. 3, 1964	By gov., to fill vac.
88th-94th	Joseph M. Montoya	Nov. 4, 1964	Jan. 2, 1977	

See footnotes at end of New Mexico table.

NEW MEXICO—Continued

CLASS 1—Continued

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
95th-97th	Harrison H. Schmitt	Jan. 3, 1977	Jan. 2, 1983	
98th-103d	Jeff Bingaman	Jan. 3, 1983	Jan. 2, 1995	

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62d-68th	Albert B. Fall	Mar. 27, 1912	Mar. 3, 1925	Res. Mar. 4, 1921.
67th	Holm O. Bursum	Mar. 11, 1921	Sept. 19, 1921	By gov., to fill vac.
67th-68th	......do	Sept. 20, 1921	Mar. 3, 1925	
69th-74th	Sam G. Bratton[3]	Mar. 4, 1925	Jan. 2, 1937	
73d	Carl A. Hatch	Oct. 10, 1933	Nov. 6, 1934	Do.
73d-80th	......do	Nov. 7, 1934	Jan. 2, 1949	
81st-92d	Clinton P. Anderson	Jan. 3, 1949	Jan. 2, 1973	
93d-101st	Pete V. Domenici	Jan. 3, 1973	Jan. 3, 1991	

[1] Elected Nov. 3, 1936, to fill vacancy in term ending Jan. 2, 1941.

[2] To serve until successor is elected by law.

[3] Resigned June 24, 1933. Vacancy from June 25 to Oct. 9, 1933.

NEW YORK

862 CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
1st	Phillip Schuyler	July 15, 1789	Mar. 3, 1791	
2d-4th	Aaron Burr	Mar. 4, 1791	Mar. 3, 1797	
5th-7th	Phillip Schuyler	Mar. 4, 1797	Mar. 3, 1803	Res. Jan. 3, 1798.
Do	John S. Hobart	Jan. 11, 1798	Do.	Res. Apr. 16, 1798.
5th	William North	May 5, 1798	Aug. 17, 1798	By gov., to fill vac.
5th-7th	James Watson	Aug. 17, 1798	Mar. 3, 1803	Res. Mar. 19, 1800.
6th-7th	Gouverneur Morris	Apr. 3, 1800	Do.	
8th-10th	Theodorus Bailey	Mar. 4, 1803	Mar. 3, 1809	Res. Jan. 16, 1804.
Do	John Armstrong	Feb. 4, 1804	Do.	Res. June 30, 1804.
Do	Samuel L. Mitchill	Nov. 9, 1804	Do.	
11th-13th	Obadiah German	Mar. 4, 1809	Mar. 3, 1815	
14th-16th	Nathan Sanford	Mar. 4, 1815	Mar. 3, 1821	
17th-22d	Martin Van Buren	Mar. 4, 1821	Mar. 3, 1833	Res. Dec. 20, 1828.
20th-22d	Charles E. Dudley	Jan. 15, 1829	Mar. 3, 1833	
23d-28th	Nathaniel P. Tallmadge	Mar. 4, 1833	Mar. 3, 1845	Res. June 17, 1844.
28th	Daniel S. Dickinson	Nov. 30, 1844	Jan. 17, 1845	By gov., to fill vac.
28th-31st	......do	Jan. 18, 1845	Mar. 3, 1851	
32d-34th	Hamilton Fish	Mar. 4, 1851	Mar. 3, 1857	
35th-37th	Preston King	Mar. 4, 1857	Mar. 3, 1863	
38th-40th	Edwin D. Morgan	Mar. 4, 1863	Mar. 3, 1869	
41st-43d	Reuben E. Fenton	Mar. 4, 1869	Mar. 3, 1875	
44th-46th	Francis Kernan	Mar. 4, 1875	Mar. 3, 1881	
47th-49th	Thomas C. Platt	Mar. 4, 1881	Mar. 3, 1887	Res. May 16, 1881.
Do	Warner Miller	July 16, 1881	Do.	
50th-52d	Frank Hiscock	Mar. 4, 1887	Mar. 3, 1893	
53d-55th	Edward Murphy, Jr	Mar. 4, 1893	Mar. 3, 1890	
56th-61st	Chauncey M. Depew	Mar. 4, 1899	Mar. 3, 1911	
62d-64th	James A. O'Gorman[1]	Mar. 31, 1911	Mar. 3, 1917	
65th-67th	William M. Calder	Mar. 4, 1917	Mar. 3, 1923	
68th-76th	Royal S. Copeland[2]	Mar. 4, 1923	Jan. 2, 1941	
75th-79th	James M. Mead[3]	Dec. 3, 1938	Jan. 2, 1947	
80th-85th	Irving M. Ives	Jan. 3, 1947	Jan. 2, 1959	
86th-88th	Kenneth B. Keating	Jan. 3, 1959	Jan. 2, 1965	
89th-91st	Robert F. Kennedy	Jan. 3, 1965	Jan. 2, 1971	Died June 6, 1968.
90th-91st	Charles E. Goodell	Sept. 10, 1968	Do.	By gov., to fill vac.
92d-94th	James L. Buckley	Jan. 3, 1971	Jan. 2, 1977	
95th-103d	Daniel P. Moynihan	Jan. 3, 1977	Jan. 2, 1995	

See footnotes at end of New York table.

NEW YORK—Continued

Class 1—Continued

Class 3 863

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
1st-6th	Rufus King	July 16, 1789	Mar. 3, 1801	Res. May 23, 1796.
4th-6th	John Laurance	Nov. 9, 1796	Do.	Res. in Aug. 1800.
6th-9th	John Armstrong	Nov. 6, 1800	Mar. 3, 1807	Res. Feb. 5, 1802.
7th-9th	De Witt Clinton	Feb. 9, 1802	Do.	Res. Nov. 4, 1803.
8th	John Armstrong	Nov. 10, 1803	Feb. 4, 1804	By gov., to fill vac.
8th-12th	John Smith	Feb. 4, 1804	Mar. 3, 1813	
13th-18th	Rufus King	Mar. 4, 1813	Mar. 3, 1825	
19th-21st	Nathan Sanford [4]	Jan. 14, 1826	Mar. 3, 1831	
22d-24th	William L. Marcy	Mar. 4, 1831	Mar. 3, 1837	Res. Jan. 1, 1833.
22d-30th	Silas Wright, Jr	Jan. 4, 1833	Mar. 3, 1849	Res. Nov. 26, 1844.
28th	Henry A. Foster	Nov. 30, 1844	Jan. 18, 1845	By gov., to fill vac.
28th-30th	John A. Dix	Jan. 18, 1845	Jan. 3, 1849	
31st-36th	William H. Seward	Mar. 4, 1849	Mar. 3, 1861	
37th-39th	Ira Harris	Mar. 4, 1861	Mar. 3, 1867	
40th-48th	Roscoe Conkling	Mar. 4, 1867	Mar. 3, 1885	Res. May 16, 1881.
47th-48th	Elbridge G. Lapham	July 22, 1881	Do.	
49th-51st	William M. Evarts	Mar. 4, 1885	Mar. 3, 1891	
52d-54th	David B. Hill [5]	Mar. 4, 1891	Mar. 3, 1897	
55th-60th	Thomas C. Platt	Mar. 4, 1897	Mar. 3, 1909	
61st-63d	Elihu Root	Mar. 4, 1909	Mar. 3, 1915	
64th-69th	James W. Wadsworth, Jr.	Mar. 4, 1915	Mar. 3, 1927	
70th-81st	Robert F. Wagner	Mar. 4, 1927	Jan. 2, 1951	Res. June 28, 1949.
81st	John Foster Dulles	July 7, 1949	Nov. 8, 1949	By gov., to fill vac.
81st-84th	Herbert H. Lehman [6]	Nov. 9, 1949	Jan. 2, 1957	
85th-96th	Jacob K. Javits [7]	Jan. 9, 1957	Jan. 2, 1981	
97th-102d	Alfonse M. D'Amato	Jan. 3, 1981	Jan. 2, 1993	

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[1] Vacancy from Mar. 4 to Mar. 30, 1911, because of failure of legislature to elect.
[2] Died June 17, 1938. Vacancy from June 18 to Dec. 2, 1938.
[3] Elected Nov. 8, 1938. Served in the House during interim.
[4] Vacancy from Mar. 4, 1825, to Jan. 13, 1826.
[5] Elected Jan. 21, 1891. Took oath Jan. 7, 1892. Governor during interim.
[6] Elected Nov. 8, 1949, to fill vacancy in term ending Jan. 2, 1951.
[7] Waived compensation Jan. 3-8, 1957, while Attorney-General of State.

NORTH CAROLINA

Class 2 864

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
1st-2d	Samuel Johnston	Nov. 27, 1789	Mar. 3, 1793	
3d-5th	Alexander Martin	Mar. 4, 1793	Mar. 3, 1799	
6th-8th	Jesse Franklin	Mar. 4, 1799	Mar. 3, 1805	
9th-14th	James Turner	Mar. 4, 1805	Mar. 3, 1817	Res. Nov. 21, 1816.
14th-17th	Montfort Stokes	Dec. 4, 1816	Mar. 3, 1823	
18th-23d	John Branch	Mar. 4, 1823	Mar. 3, 1835	Res. Mar. 9, 1829.
21st-26th	Bedford Brown	Dec. 9, 1829	Mar. 3, 1841	Res. Nov. 11, 1840.
26th-32d	Willie P. Mangum	Nov. 25, 1840	Mar. 3, 1853	
33d-35th	David S. Reid [1]	Dec. 6, 1854	Mar. 3, 1859	
36th-38th	Thomas Bragg [2]	Mar. 4, 1859	Mar. 3, 1865	
40th-41st	Joseph C. Abbott [3]	July 14, 1868	Mar. 3, 1871	
42d-53d	Matt W. Ransom [4]	Jan. 30, 1872	Mar. 3, 1895	
54th-56th	Marion Butler	Mar. 4, 1895	Mar. 3, 1901	
57th-71st	Furnifold M. Simmons	Mar. 4, 1901	Mar. 3, 1931	
72d-80th	Josiah W. Bailey	Mar. 4, 1931	Jan. 2, 1949	Died Dec. 15, 1946.
80th	Wm. B. Umstead	Dec. 18, 1946	Dec. 30, 1948	By gov., to fill vac.
80th	J. Melville Broughton [5]	Dec. 31, 1948	Jan. 2, 1949	
81st-83d	do	Jan. 3, 1949	Jan. 2, 1955	Died Mar. 6, 1949.
81st	Frank P. Graham	Mar. 29, 1949	Nov. 26, 1950	By gov., to fill vac.
81st-83d	Willis Smith [6]	Nov. 27, 1950	Jan. 2, 1955	Died June 23, 1953.
83d	Alton A. Lennon	July 10, 1953	Nov. 28, 1954	By gov., to fill vac.
83d-86th	W. Kerr Scott [7]	Nov. 29, 1954	Jan. 2, 1961	Died Apr. 16, 1958.

See footnotes at end of North Carolina table.

NORTH CAROLINA—Continued

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Class 2—Continued

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
85th-92d	B. Everett Jordan[8]	Apr. 19, 1958	Jan. 2, 1973	By gov., to fill vac.
93d-101st	Jesse Helms	Jan. 3, 1973	Jan. 2, 1991	

Class 3

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
1st-3d	Benjamin Hawkins	Nov. 27, 1789	Mar. 3, 1795	
4th-6th	Timothy Bloodworth	Mar. 4, 1795	Mar. 3, 1801	
7th-9th	David Stone[9]	Mar. 4, 1801	Mar. 3, 1807	
10th-12th	Jesse Franklin	Mar. 4, 1807	Mar. 3, 1813	
13th-15th	David Stone	Mar. 4, 1813	Mar. 3, 1819	Res. Dec. 24, 1814.
Do	Francis Locke[10]	......., 1814	Do.	
14th-21st	Nathaniel Macon	Dec. 5, 1815	Mar. 3, 1831	Res. Nov. 14, 1828.
20th-21st	James Iredell	Dec. 15, 1828	Do.	
22d-24th	Willie P. Mangum	Mar. 4, 1831	Mar. 3, 1837	Res. Nov. 26, 1836.
24th-27th	Robert Strange	Dec. 5, 1836	Mar. 3, 1843	Res. Nov. 16, 1840.
26th-27th	William A. Graham	Nov. 25, 1840	Do.	
28th-30th	William H. Haywood, Jr	Mar. 4, 1843	Mar. 3, 1849	Res. July 25, 1846.
29th-33d	George E. Badger	Nov. 25, 1840	Mar. 3, 1855	
34th-36th	Asa Biggs	Mar. 4, 1855	Mar. 3, 1861	Res. May 5, 1858.
35th	Thomas L. Clingman	May 6, 1858	Nov. 22, 1858	By gov., to fill vac.
35th-39th	......do.[11]	Nov. 23, 1858	Mar. 3, 1867	
40th-42d	John Pool[12]	June 25, 1868	Mar. 3, 1873	
43d-45th	Augustus S. Merrimon	Mar. 4, 1873	Mar. 3, 1879	
46th-54th	Zebulon B. Vance	Mar. 4, 1879	Mar. 3, 1897	Died Apr. 14, 1894.
53d	Thomas J. Jarvis	Apr. 19, 1894	Jan. 23, 1895	By gov., to fill vac.
53d-58th	Jeter C. Pritchard	Jan. 23, 1895	Mar. 3, 1903	
58th-72d	Lee S. Overman	Mar. 4, 1903	Mar. 3, 1933	Died Dec. 12, 1930.
71st-72d	Cameron Morrison	Dec. 13, 1930	Dec. 4, 1932	By gov., to fill vac.
72d-78th	Robert R. Reynolds	Dec. 5, 1932	Jan. 2, 1945	
79th-84th	Clyde R. Hoey	Jan. 3, 1945	Jan. 2, 1957	Died May 12, 1954.
83d-93d	Sam J. Ervin, Jr.[13]	June 5, 1954	Jan. 2, 1975	By gov., to fill vac.
94th-96th	Robert Morgan	Jan. 3, 1975	Jan. 2, 1981	Res. Dec. 31, 1974.
97th-99th	John P. East	Jan. 3, 1981	Jan. 2, 1987	Died June 29, 1986.
99th	James T. Broyhill[14]	July 14, 1986	Nov. 4, 1986	
100th-102d	Terry Sanford[15]	Nov. 5, 1986	Jan. 2, 1993	

[1] Vacancy from Mar. 4, 1853, to Dec. 6, 1854.
[2] Expelled July 11, 1861. Vacancy from July 11, 1861, to July 14, 1868, because of Civil War.
[3] By legislature, to fill vacancy in term beginning Mar. 4, 1865.
[4] Vacancy from Mar. 4, 1871, to Jan. 29, 1872. Zebulon B. Vance was elected but not admitted.
[5] Elected Nov. 2, 1948, for term expiring Jan. 2, 1949. Oath administered Dec. 31, 1948.
[6] Elected Nov. 7, 1950, to fill vacancy in term ending Jan. 2, 1955.
[7] Elected Nov. 2, 1954, to fill vacancy in term ending Jan. 2, 1955, and to full term ending Jan. 2, 1961.
[8] Elected Nov. 4, 1958, to fill vacancy in term ending Jan. 2, 1961.
[9] Resigned about Feb. 17, 1807.
[10] Did not qualify. Resigned Dec. 5, 1815.
[11] Expelled July 11, 1861. Vacancy from July 11, 1861, to June 25, 1868, because of Civil War.
[12] By legislature, to fill vacancy in term beginning Mar. 4, 1867.
[13] Subsequently elected, Nov. 2, 1954, to fill vacancy in term ending Jan. 2, 1957.
[14] By governor, to fill vacancy unitl new Senatorial election.
[15] Elected Nov. 5, 1986, to fill vacancy in term ending Jan. 3, 1987, and to full term ending Jan. 3, 1993.

NORTH DAKOTA

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Class 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
51st-52d	Lyman R. Casey	Nov. 25, 1889	Mar. 3, 1893	
53d-55th	William N. Roach	Mar. 4, 1893	Mar. 3, 1899	
56th-67th	Porter J. McCumber	Mar. 4, 1899	Mar. 3, 1923	
68th-76th	Lynn J. Frazier	Mar. 4, 1923	Jan. 2, 1941	
77th-86th	William Langer	Jan. 3, 1941	Jan. 2, 1965	Died Nov. 8, 1959.
86th	C. Norman Brunsdale	Nov. 19, 1959	Aug. 7, 1960	By gov., to fill vac.

See footnotes at end of North Dakota table.

NORTH DAKOTA—Continued

CLASS 1—Continued 867

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
86th-103d	Quentin N. Burdick[1]	Aug. 8, 1960	Jan. 2, 1995	

CLASS 3

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
51st	Gilber A. Pierce	Nov. 21, 1889	Mar. 3, 1891	
52d-60th	Henry C. Hansbrough	Mar. 4, 1891	Mar. 3, 1909	
61st-63d	Martin N. Johnson	Mar. 4, 1909	Mar. 3, 1915	Died Oct. 21, 1909.
61st	Fountain L. Thompson[2]	Nov. 10, 1909	Jan. 31, 1910	By gov., to fill vac.
Do	William E. Purcell	Feb. 1, 1910	Feb. 1, 1911	Do.
61st-66th	Asle J. Gronna	Feb. 2, 1911	Mar. 3, 1921	
67th-69th	Edwin F. Ladd	Mar. 4, 1921	Mar. 3, 1927	Died June 22, 1925.
69th	Gerald P. Nye	Nov. 14, 1925	June 29, 1926	By gov., to fill vac.
69th-78th	......do	June 30, 1926	Jan. 2, 1945	
79th-81st	John Moses	Jan. 3, 1945	Jan. 2, 1951	Died Mar. 3, 1945.
79th-96th	Milton R. Young[3]	Mar. 12, 1945	Jan. 2, 1981	By gov., to fill vac.
97th-99th	Mark Andrews	Jan. 3, 1981	Jan. 2, 1987	
100th-102d	Kent Conrad	Jan 3, 1987	Jan. 2, 1993	

[1] Elected June 28, 1960, to fill unexpired term.

[2] Resigned Jan. 31, 1910.

[3] Elected June 25, 1946, to fill vacancy in term ending Jan. 2, 1951. Oath under certificate. Died May 31, 1983.

OHIO

CLASS 1 868

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
8th-10th	John Smith	Apr. 1, 1803	Mar. 3, 1809	Res. Apr. 25, 1808.
10th-13th	Return J. Meigs, Jr	Dec. 12, 1808	Mar. 3, 1815	Res. May 10, 1810.
11th-13th	Thomas Worthington	Dec. 15, 1810	Do.	Res. Dec. 1, 1814.
13th	Joseph Kerr	Dec. 10, 1814	Do.	
14th-22d	Benjamin Ruggles	Mar. 4, 1815	Mar. 3, 1833	
23d-25th	Thomas Morris	Mar. 4, 1833	Mar. 3, 1839	
26th-28th	Benjamin Tappan	Mar. 4, 1839	Mar. 3, 1845	
29th-31st	Thomas Corwin	Mar. 4, 1845	Mar. 3, 1851	Res. July 20, 1850.
31st	Thomas Ewing	July 20, 1850	Do.	By gov., to fill vac.
32d-40th	Benjamin F. Wade[1]	Mar. 15, 1851	Mar. 3, 1869	
41st-46th	Allen G. Thurman	Mar. 4, 1869	Mar. 3, 1881	
47th-55th	John Sherman	Mar. 4, 1881	Mar. 3, 1899	Res. Mar. 5, 1897.
55th	Marcus A. Hanna	Mar. 5, 1897	Jan. 11, 1898	By gov., to fill vac.
55th-58th	......do	Jan. 12, 1898	Mar. 3, 1905	Died Feb. 15, 1904.
58th-61st	Charles W. F. Dick	Mar. 2, 1904	Mar. 3, 1911	
62d-67th	Atlee Pomerene	Mar. 4, 1911	Mar. 3, 1923	
68th-73d	Simeon D. Fess	Mar. 4, 1923	Jan. 2, 1935	
74th-76th	Vic Donahey	Jan. 3, 1935	Jan. 2, 1941	
77th-79th	Harold H. Burton[2]	Jan. 3, 1941	Jan. 2, 1947	
79th	James W. Huffman	Oct. 8, 1945	Nov. 5, 1946	By gov., to fill vac.
Do	Kingsley A. Taft	Nov. 6, 1946	Jan. 2, 1947	
80th-85th	John W. Bricker	Jan. 3, 1947	Jan. 2, 1959	
86th-91st	Stephen M. Young	Jan. 3, 1959	Jan. 2, 1971	
92d-94th	Robert Taft, Jr	Jan. 3, 1971	Jan. 2, 1977	Res. Dec. 28, 1976.
94th-103d	Howard M. Metzenbaum	Dec. 29, 1976	Jan. 2, 1995	

CLASS 3 869

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
8th-9th	Thomas Worthington	Apr. 1, 1803	Mar. 3, 1807	
10th-12th	Edward Tiffin	Mar. 4, 1807	Mar. 3, 1813	Res. Mar. 3, 1809.
11th	Stanley Griswold	May 18, 1809	Dec. 11, 1809	By gov., to fill vac.
11th-12th	Alexander Campbell	Dec. 11, 1809	Mar. 3, 1813	
13th-15th	Jeremiah Morrow	Mar. 4, 1813	Mar. 3, 1819	
16th-18th	William A. Trimble	Mar. 4, 1819	Mar. 3, 1825	Died Dec. 13, 1821.
17th-18th	Ethan Allen Brown	Jan. 3, 1822	Do.	

See footnotes at end of Ohio table.

OHIO—Continued

CLASS 3—Continued

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
19th-21st	William H. Harrision	Mar. 4, 1825	Mar. 3, 1831	Res. May 20, 1828.
20th-21st	Jacob Burnet	Dec. 10, 1828	Do.	
22d-24th	Thomas Ewing	Mar. 4, 1831	Mar. 3, 1837	
25th-30th	William Allen	Mar. 4, 1837	Mar. 3, 1849	
31st-33d	Salmon P. Chase	Mar. 4, 1849	Mar. 3, 1855	
34th-36th	George E. Pugh	Mar. 4, 1855	Mar. 3, 1861	
37th-39th	Salmon P. Chase	Mar. 4, 1861	Mar. 3, 1867	Res. Mar. 6, 1861.
37th-45th	John Sherman	Mar. 21, 1861	Mar. 3, 1879	Res. Mar. 8, 1877.
45th	Stanley Matthews	Mar. 21, 1877	Do.	
46th-48th	George H. Pendleton	Mar. 4, 1879	Mar. 3, 1885	
49th-51st	Henry B. Payne	Mar. 4, 1885	Mar. 3, 1891	
52d-54th	Calvin S. Brice	Mar. 4, 1891	Mar. 3, 1897	
55th-60th	Joseph B. Foraker	Mar. 4, 1897	Mar. 3, 1909	
61st-63d	Theodore E. Burton	Mar. 4, 1909	Mar. 3, 1915	
64th-66th	Warren G. Harding[3]	Mar. 4, 1915	Mar. 3, 1921	
66th	Frank B. Willis	Jan. 14, 1921	Mar. 3, 1921	By gov., to fill vac.
67th-72d	do	Mar. 4, 1921	Mar. 3, 1933	Died Mar. 30, 1928.
70th	Cyrus Locher	Apr. 4, 1928	Dec. 14, 1928	By gov., to fill vac.
70th-72d	Theodore E. Burton	Dec. 15, 1928	Mar. 3, 1933	Died Oct. 28, 1929.
71st	Roscoe C. McCulloch	Nov. 5, 1929	Nov. 30, 1930	By gov., to fill vac.
71st-75th	Robert J. Bulkley	Dec. 1, 1930	Jan. 2, 1939	
76th-84th	Robert A. Taft	Jan. 3, 1939	Jan. 2, 1957	Died July 31, 1953.
83d	Thomas A. Burke	Nov. 10, 1953	Dec. 2, 1954	By gov., to fill vac.
83d-84th	George H. Bender[4]	Dec. 16, 1954	Jan. 2, 1957	
85th-90th	Frank J. Lausche	Jan. 3, 1957	Jan. 2, 1969	
91st-93d	William B. Saxbe	Jan. 3, 1969	Jan. 2, 1975	Res. Jan. 3, 1974.
93d	Howard M. Metzenbaum[5]	Jan. 4, 1974	Jan. 2, 1975	Res. Dec. 23, 1974.
93d-102d	John H. Glenn[6]	Dec. 24, 1974	Jan. 2, 1993	

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[1] Vacancy from Mar. 4 to Mar. 14, 1851, because of failure of legislature to elect.

[2] Resigned Sept. 30, 1945, to accept appointment on Supreme Court.

[3] Resigned, effective Jan. 13, 1921.

[4] Elected Nov. 2, 1954, to fill vacancy in term ending Jan. 2, 1957. Chose to continue as a Member of the House of Representatives until Dec. 15, 1954, waiving right to commence service in the Senate on Dec. 3, 1954.

[5] By governor, to fill vacancy in term ending Jan. 2, 1975.

[6] By governor, to fill vacancy in term ending Jan. 2, 1975.

OKLAHOMA

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CLASS 2

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
60th-68th	Robert L. Owen	Dec. 11, 1907	Mar. 3. 1925	
69th-71st	William B. Pine	Mar. 4, 1925	Mar. 3, 1931	
72d-74th	Thomas P. Gore	Mar. 4, 1931	Jan. 2, 1937	
75th-77th	Josh Lee	Jan. 3, 1937	Jan. 2, 1943	
78th-80th	Edward H. Moore	Jan. 3, 1943	Jan. 2, 1949	
81st-87th	Robert S. Kerr	Jan. 3, 1949	Jan. 2, 1967	Died Jan. 1, 1963.
88th	J. Howard Edmondson[1]	Jan. 7, 1963	Nov. 3, 1964	By gov., to fill vac.
88th-92d	Fred R. Harris	Nov. 4, 1964	Jan. 2, 1973	
93d-95th	Dewey F. Bartlett	Jan. 3, 1973	Jan. 2, 1979	
96th-101st	David L. Boren	Jan. 3, 1979	Jan. 2, 1991	

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CLASS 3

60th-66th	Thomas P. Gore	Dec. 11, 1907	Mar. 3, 1921	
67th-69th	John W. Harreld	Mar. 4, 1921	Mar. 3, 1927	
70th-81st	Elmer Thomas	Mar. 4, 1927	Jan. 2, 1951	
82d-90th	A. S. Mike Monroney	Jan. 3, 1951	Jan. 2, 1969	
91st-96th	Henry Bellmon	Jan. 3, 1969	Jan. 2, 1981	
97th-102d	Don Nickles	Jan. 3, 1981	Jan. 2, 1993	

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[1] To serve until a successor is elected by law.

OREGON

CLASS 2 872

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
35th	Delazon Smith	Feb. 14, 1859	Mar. 3, 1859	
36th-38th	Edward D. Baker [1]	Oct. 2, 1860	Mar. 3, 1865	
37th	Benjamin Stark	Oct. 29, 1861	Sept. 12, 1862	By gov., to fill vac.
37th-38th	Benjamin F. Harding	Sept. 12, 1862	Mar. 3, 1865	
39th-41st	George Henry Williams	Mar. 4, 1865	Mar. 3, 1871	
42d-44th	James K. Kelly	Mar. 4, 1871	Mar. 3, 1877	
45th-47th	La Fayette Grover	Mar. 4, 1877	Mar. 3, 1883	
48th-53d	Joseph N. Dolph	Mar. 4, 1883	Mar. 3, 1895	
54th-56th	George W. McBride	Mar. 4, 1895	Mar. 3, 1901	
57th-59th	John H. Mitchell	Mar. 4, 1901	Mar. 3, 1907	Died Dec. 8, 1905.
59th	John M. Gearin	Dec. 13, 1905	Jan. 23, 1907	By gov., to fill vac.
Do	Frederick W. Mulkey	Jan. 23, 1907	Mar. 3, 1907	
60th-62d	Jonathan Bourne, Jr	Mar. 4, 1907	Mar. 3, 1913	
63d-65th	Harry Lane	Mar. 4, 1913	Mar. 3, 1919	Died May 23, 1917.
65th	Charles L. McNary	May 29, 1917	Nov. 5, 1918	By gov., to fill vac.
Do	Frederick W. Mulkey [2]	Nov. 6, 1918	Mar. 3, 1919	
Do	Charles L. McNary	Dec. 18, 1918	Do.	Do.
66th-80th	......do	Mar. 4, 1919	Jan. 2, 1949	Died Feb. 25, 1944.
78th	Guy Cordon	Mar. 4, 1944	Nov. 7, 1944	By gov., to fill vac.
78th-83d	......do	Nov. 8, 1944	Jan. 2, 1955	
84th-86th	Richard L. Neuberger	Jan. 3, 1955	Jan. 2, 1961	Died Mar. 9, 1960.
86th	Hall S. Lusk	Mar. 16, 1960	Nov. 8, 1960	By gov., to fill vac.
86th-89th	Maurine B. Neuberger [3]	Nov. 9, 1960	Jan. 2, 1967	
90th-101st	Mark O. Hatfield [4]	Jan. 10, 1967	Jan. 2, 1991	

CLASS 3 873

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
35th-36th	Joseph Lane	Feb. 14, 1859	Mar. 3, 1861	
37th-39th	James W. Nesmith	Mar. 4, 1861	Mar. 3, 1867	
40th-42d	Henry W. Corbett	Mar. 4, 1867	Mar. 3, 1873	
43d-45th	John H. Mitchell	Mar. 4, 1873	Mar. 3, 1879	
46th-48th	James H. Slater	Mar. 4, 1879	Mar. 3, 1885	
49th-54th	John H. Mitchell [5]	Nov. 18, 1885	Mar. 3, 1897	
55th-57th	Joseph Simon [6]	Oct. 8, 1898	Mar. 3, 1903	
58th-60th	Charles W. Fulton	Mar. 4, 1903	Mar. 3, 1909	
61st-66th	George E. Chamberlain	Mar. 4, 1909	Mar. 3, 1921	
67th-69th	Robert N. Stanfield	Mar. 4, 1921	Mar. 3, 1927	
70th-75th	Frederick Steiwer	Mar. 4, 1927	Jan. 2, 1939	Res. Jan. 31, 1938.
75th	Alfred Evan Reams	Feb. 1, 1938	Nov. 8, 1938	By gov., to fill vac.
Do	Alexander G. Barry	Nov. 9, 1938	Jan. 2, 1939	
76th-78th	Rufus C. Holman	Jan. 3, 1939	Jan. 2, 1945	
79th-90th	Wayne L. Morse	Jan. 3, 1945	Jan. 2, 1969	
91st-102d	Robert W. Packwood	Jan. 3, 1969	Jan. 2, 1993	

[1] Vacancy from Mar. 4, 1859, to Oct. 2, 1860. Killed in the battle of Balls Bluff, Va., Oct. 21, 1861.

[2] Resigned effective Dec. 17, 1918.

[3] Elected Nov. 8, 1960, to fill unexpired term (Nov. 9, 1960-Jan. 2, 1961) and to full term (Jan. 3, 1961-Jan. 2, 1967).

[4] Waived compensation Jan. 3-9, 1967, to complete term as governor.

[5] Vacancy from Mar. 4 to Nov. 18, 1885, because of failure of legislature to elect.

[6] Vacancy from Mar. 4, 1897, to Oct. 7, 1898, because of failure of legislature to elect.

PENNSYLVANIA

CLASS 1 874

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
1st	William Maclay [1]	Mar. 4, 1789	Mar. 3, 1791	
2d-4th	Albert Gallatin [2]	Feb. 28, 1793	Mar. 3, 1797	
3d-7th	James Ross	Apr. 1, 1794	Mar. 3, 1803	
8th-10th	Samuel Maclay	Mar. 4, 1803	Mar. 3, 1809	Res. Jan. 4, 1809.
10th-13th	Michael Leib	Jan. 9, 1809	Mar. 3, 1815	Res. Feb. 14, 1814.
13th-16th	Jonathan Roberts [3]	Feb. 24, 1814	Mar. 3, 1821	

See footnotes at end of Pennsylvania table.

PENNSYLVANIA—Continued

CLASS 1—Continued

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
17th–19th	William Findlay	Dec. 10, 1821	Mar. 3, 1827	
20th–22d	Isaac D. Barnard	Mar. 4, 1827	Mar. 3, 1833	Res. Dec. 6, 1831.
22d	George M. Dallas [4]	Dec. 13, 1831	Do.	
23d–25th	Samuel McKean [5]	Dec. 7, 1833	Mar. 3, 1839	
26th–31st	Daniel Sturgeon	Jan. 14, 1840	Mar. 3, 1851	
32d–34th	Richard Brodhead	Mar. 4, 1851	Mar. 3, 1857	
35th–37th	Simon Cameron	Mar. 4, 1857	Mar. 3, 1863	Res. Mar. 4, 1861.
37th	David Wilmot	Mar. 14, 1861	Do.	
38th–40th	Charles R. Buckalew	Mar. 4, 1863	Mar. 3, 1869	
41st–43d	John Scott	Mar. 4, 1869	Mar. 3, 1875	
44th–46th	William A. Wallace	Mar. 4, 1875	Mar. 3, 1881	
47th–49th	John I. Mitchell	Mar. 4, 1881	Mar. 3, 1887	
50th–58th	Matthew S. Quay [6]	Mar. 4, 1887	Mar. 3, 1905	
58th	Philander C. Knox	June 10, 1904	Jan. 17, 1905	By gov., to fill vac.
59th–61st	......do	Jan. 18, 1905	Mar. 3, 1911	Res. Mar. 4, 1909.
61st–64th	George T. Oliver	Mar. 17, 1909	Mar. 3, 1917	
65th–67th	Philander C. Knox	Mar. 4, 1917	Mar. 3, 1923	Died Oct. 12, 1921.
67th	William E. Crow [7]	Oct. 24, 1921	Do.	
Do	David A. Reed	Aug. 8, 1922	Nov. 7, 1922	By gov., to fill vac.
67th–73d	......do	Nov. 8, 1922	Jan. 2, 1935	
74th–79th	Joseph F. Guffey	Jan. 3, 1935	Jan. 2, 1947	
80th–85th	Edward Martin	Jan. 3, 1947	Jan. 2, 1959	
86th–94th	Hugh Scott	Jan. 3, 1959	Jan. 2, 1977	
95th–103d	H. John Heinz III	Jan. 3, 1977	Jan. 2, 1995	

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CLASS 3

1st–3d	Robert Morris	Mar. 4, 1789	Mar. 3, 1795	
4th–6th	William Bingham	Mar. 4, 1795	Mar. 3, 1801	
7th–9th	John Peter G. Muhlenberg.	Mar. 4, 1801	Mar. 3, 1807	Res. June 30, 1801.
7th	George Logan	July 13, 1801	Dec. 15, 1801	By gov., to fill vac.
7th–9th	......do	Dec. 16, 1801	Mar. 3, 1807	
10th–12th	Andrew Gregg	Mar. 4, 1807	Mar. 3, 1813	
13th–15th	Abner Lacock	Mar. 4, 1813	Mar. 3, 1819	
16th–18th	Walter Lowrie	Mar. 4, 1819	Mar. 3, 1825	
19th–21st	William Marks	Mar. 4, 1825	Mar. 3, 1831	
22d–24th	William Wilkins	Mar. 4, 1831	Mar. 3, 1837	Res. June 30, 1834.
23d–30th	James Buchanan	Dec. 6, 1834	Mar. 3, 1849	Res. Mar. 5, 1845.
29th–30th	Simon Cameron	Mar. 13, 1845	Do.	
31st–33d	James Cooper [8]	Mar. 4, 1849	Mar. 3, 1855	
34th–36th	William Bigler	Jan. 14, 1856	Mar. 3, 1861	
37th–39th	Edgar Cowan	Mar. 4, 1861	Mar. 3, 1867	
40th–45th	Simon Cameron	Mar. 4, 1867	Mar. 3, 1879	Res. Mar. 3, 1877.
45th–54th	James Donald Cameron	Mar. 20, 1877	Mar. 3, 1897	
55th–69th	Boies Penrose	Mar. 4, 1897	Mar. 3, 1927	Died Dec. 31, 1921.
67th	George Wharton Pepper	Jan. 9, 1922	Nov. 6, 1922	By gov., to fill vac.
67th–69th	......do	Nov. 7, 1922	Mar. 3, 1927	
70th–72d	William S. Vare [9]	Mar. 4, 1927	Mar. 3, 1933	
71st	Joseph R. Grundy	Dec. 11, 1929	Dec. 1, 1930	Do.
71st–78th	James J. Davis	Dec. 2, 1930	Jan. 2, 1945	
79th–81st	Francis J. Myers	Jan. 3, 1945	Jan. 2, 1951	
82d–84th	James H. Duff [10]	Jan. 16, 1951	Jan. 2, 1957	
85th–90th	Joseph S. Clark	Jan. 3, 1957	Jan. 2, 1969	
91st–96th	Richard S. Schweiker	Jan. 3, 1969	Jan. 2, 1981	
97th–102d	Arlen Specter	Jan. 3, 1981	Jan. 2, 1993	

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[1] Vacancy from Mar. 4, 1791, to Feb. 28, 1793, because of failure of legislature to elect.

[2] Vacancy from Feb. 28 to Apr. 1, 1794. Senate resolution of Feb. 28, 1794, declared that Mr. Gallatin had not been a citizen the term of years required by law.

[3] Vacancy from Mar. 4, to Dec. 10, 1821.

[4] Vacancy from Mar. 4, to Dec. 7, 1833, because of failure of legislature to elect.

[5] Vacancy from Mar. 4, 1839, to Jan. 13, 1840, because of failure of legislature to elect.

[6] Appointed by governor Apr. 21, 1899, to fill vacancy. By Senate resolution of Apr. 24, 1900, was declared not entitled to seat but subsequently elected. Vacancy from Apr. 24, 1900, to Jan. 16, 1901. Died May 28, 1904.

[7] By governor, to fill Vacancy. Died Aug. 2, 1922.

[8] Vacancy from Mar. 4, 1855, to Jan. 14, 1856, because of failure of legislature to elect.

PENNSYLVANIA—Continued

[9] Credentials as Senator elect were presented and referred to the Committee on Privileges and Elections for report; meanwhile Mr. Vare was not permitted to qualify and by S. Res. No. 111 of Dec. 6, 1929, was declared not entitled to a seat.
[10] Oath administered on Jan. 16, 1951.

RHODE ISLAND

CLASS 1 876

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
1st-7th	Theodore Foster	June 7, 1790	Mar. 3, 1803	
8th-10th	Samuel J. Potter	Mar. 4, 1803	Mar. 3, 1809	Died Oct. 14, 1804.
Do	Benjamin Howland	Oct. 29, 1804	Do.	
11th-13th	Francis Malbone	Mar. 4, 1809	Mar. 3, 1815	Died June 4, 1809.
Do	Christopher G. Champlin	June 26, 1809	Do.	Res. Oct. 2, 1811.
12th-16th	William Hunter	Oct. 28, 1811	Mar. 3, 1821	
17th-19th	James De Wolf	Mar. 4, 1821	Mar. 3, 1827	Res. Oct. 31, 1825.
19th-25th	Asher Robbins	Oct. 31, 1825	Mar. 3, 1839	
26th-28th	Nathan F. Dixon 1st	Mar. 4, 1839	Mar. 3, 1845	Died Jan. 29, 1842.
27th-28th	William Sprague	Feb. 5, 1842	Do.	Res. Jan. 17, 1844.
28th	John B. Francis	Jan. 25, 1844	Do.	
29th-31st	Albert C. Greene	Mar. 4, 1845	Mar. 3, 1851	
32d-34th	Charles T. James	Mar. 4, 1851	Mar. 3, 1857	
35th-37th	James F. Simmons	Mar. 4, 1857	Mar. 3, 1863	Res. Aug. 15, 1862.
37th	Samuel G. Arnold	Sept. 5, 1862	Do.	
38th-43d	William Sprague[1]	Mar. 4, 1863	Mar. 3, 1875	
44th-49th	Ambrose E. Burnside	Mar. 4, 1875	Mar. 3, 1887	Died Sept. 13, 1881.
47th-61st	Nelson W. Aldrich	Oct. 5, 1881	Mar. 3, 1911	
62d-64th	Henry F. Lippitt	Mar. 4, 1911	Mar. 3, 1917	
65th-70th	Peter G. Gerry	Mar. 4, 1917	Mar. 3, 1929	
71st-73d	Felix Hebert	Mar. 4, 1929	Jan. 2, 1935	
74th-79th	Peter G. Gerry	Jan. 3, 1935	Jan. 2, 1947	
80th-82d	J. Howard McGrath	Jan. 3, 1947	Jan. 2, 1953	Res. Aug. 23, 1949.
80th-81st	Edward L. Leahy	Aug. 24, 1949	Nov. 7, 1950	By gov., to fill vac.
81st-94th	John O. Pastore[2]	Dec. 19, 1950	Jan. 2, 1977	Res. Dec. 28, 1976.
94th-103d	John H. Chafee[3]	Dec. 29, 1976	Jan. 2, 1995	

CLASS 2 877

1st-2d	Joseph Stanton, Jr	June 7, 1790	Mar. 3, 1793	
3d-5th	William Bradford	Mar. 4, 1793	Mar. 3, 1799	Res. in Oct. 1797.
5th-8th	Ray Greene	Nov. 13, 1797	Mar. 3, 1805	Res. Mar. 5, 1801.
7th-8th	Christopher Ellery	May 6, 1801	Do.	
9th-11th	James Fenner	Mar. 4, 1805	Mar. 3, 1811	Res. in Sept. 1807.
10th-11th	Elisha Mathewson	Oct. 26, 1807	Do.	
12th-14th	Jeremiah B. Howell	Mar. 4, 1811	Mar. 3, 1817	
15th-17th	James Burrill, Jr	Mar. 4, 1817	Mar. 3, 1823	Died Dec. 25, 1820.
16th-26th	Nehemiah R. Knight	Jan. 9, 1821	Mar. 3, 1841	
27th-29th	James F. Simmons	Mar. 4, 1841	Mar. 3, 1847	
30th-32d	John H. Clarke	Mar. 4, 1847	Mar. 3, 1853	
33d-35th	Philip Allen[4]	July 20, 1853	Mar. 3, 1859	
36th-50th	Henry B. Anthony	Mar. 4, 1859	Mar. 3, 1889	Died Sept. 2, 1884.
48th	William P. Sheffield	Nov. 19, 1884	Jan. 20, 1885	By gov., to fill vac.
48th-53d	Jonathan Chace	Jan. 20, 1885	Mar. 3, 1895	Res. Apr. 9, 1889.
51st-53d	Nathan F. Dixon 3d	Apr. 10, 1889	Do.	
54th-59th	George Peabody Wetmore	Mar. 4, 1895	Mar. 3, 1907	
60th-62d	George Peabody Wetmore[5].	Jan. 22, 1908	Mar. 3, 1913	
63d-68th	LeBaron B. Colt[6]	Mar. 4, 1913	Mar. 3, 1925	
68th-74th	Jesse H. Metcalf	Nov. 5, 1924	Jan. 2, 1937	
75th-86th	Theodore Francis Green	Jan. 3, 1937	Jan. 2, 1961	
87th-101st	Claiborne Pell	Jan. 3, 1961	Jan. 2, 1991	

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[1] Nephew of William Sprague, above, who served Feb. 5, 1842–Jan. 17, 1844.
[2] Elected Nov. 7, 1950, to fill vacancy in term ending Jan. 2, 1953.
[3] By governor to fill vacancy in term ending Jan. 2, 1977.
[4] Elected May 4, 1853. Served as governor until July 20, 1853. Vacancy from Mar. 4 to July 20, 1853.
[5] Vacancy from Mar. 4, 1907, to Jan. 21, 1908, because of failure of legislature to elect.
[6] Died Aug. 18, 1924. Vacancy from Aug. 19 to Nov. 4, 1924.

SOUTH CAROLINA

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CLASS 2

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
1st-5th	Pierce Butler	Mar. 4, 1789	Mar. 3, 1799	Res. Oct. 25, 1796.
4th-5th	John Hunter	Dec. 8, 1796	Do.	Res. Nov. 26, 1798.
5th-8th	Charles Pinckney	Dec. 6, 1798	Mar. 3, 1805	Res. in 1801.
7th-11th	Thomas Sumter	Dec. 15, 1801	Mar. 3, 1811	Res. Dec. 16, 1810.
11th-14th	John Taylor	Dec. 31, 1810	Mar. 3, 1817	Res. in Nov. 1816.
14th-17th	William Smith	Dec. 4, 1816	Mar. 3, 1823	
18th-23d	Robert Young Hayne	Mar. 4, 1823	Mar. 3, 1835	Res. Dec. 13, 1832.
22d-29th	John C. Calhoun [1]	Dec. 29, 1832	Mar. 3, 1847	
28th-29th	Daniel Elliott Huger [2]	Mar. 4, 1843	Do.	
29th-32d	John C. Calhoun	Nov. 26, 1845	Mar. 3, 1853	Died Mar. 31, 1850.
31st	Franklin H. Elmore [3]	Apr. 11, 1850	Dec. 18, 1850	
Do	Robert W. Barnwell	June 4, 1850	Do.	By gov., to fill vac.
31st-32d	R. Barnwell Rhett	Dec. 18, 1850	Mar. 3, 1853	Res. May 7, 1852.
32d	William F. De Saussure	May 10, 1852	Nov. 28, 1852	By gov., to fill vac.
Do	......do	Nov. 29, 1852	Mar. 3, 1853	
33d-35th	Josiah J. Evans	Mar. 4, 1853	Mar. 3, 1859	Died May 6, 1858.
35th	Arthur P. Hayne	May 11, 1858	Dec. 2, 1858	By gov., to fill vac.
35th-36th	James Chestnut, Jr. [4]	Dec. 3, 1858	Mar. 3, 1865	
40th-44th	Thomas J. Robertson [5]	July 15, 1868	Mar. 3, 1877	
45th-53d	Matthew C. Butler	Mar. 4, 1877	Mar. 3, 1895	
54th-65th	Benjamin R. Tillman	Mar. 4, 1895	Mar. 3, 1919	Died July 3, 1918.
65th	Christie Bénet	July 6, 1918	Nov. 5, 1918	By gov., to fill vac.
Do	William P. Pollock	Nov. 6, 1918	Mar. 3, 1919	
66th-68th	Nathaniel B. Dial	Mar. 4, 1919	Mar. 3, 1925	
69th-71st	Coleman L. Blease	Mar. 4, 1925	Mar. 3, 1931	
72d-77th	James F. Byrnes	Mar. 4, 1931	Jan. 2, 1943	Res. July 8, 1941.
77th	Alva M. Lumpkin [6]	July 17, 1941	Aug. 1, 1941	
Do	Roger C. Peace	Aug. 5, 1941	Nov. 4, 1941	By gov., to fill vac.
77th-83d	Burnet R. Maybank [7]	Nov. 5, 1941	Jan. 2, 1955	Died Sept. 1, 1954.
83d	Charles E. Daniel [8]	Sept. 6, 1954	Dec. 23, 1954	By gov., to fill vac.
83d-86th	Strom Thurmond [9]	Dec. 24, 1954	Jan. 2, 1961	Res. Apr. 4, 1956.
84th	Thomas A. Wofford	Apr. 5, 1956	Nov. 6, 1956	By gov., to fill vac.
85th-101st	Strom Thurmond [10]	Nov. 7, 1956	Jan. 2, 1991	

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CLASS 3

1st-3d	Ralph Izard	Mar. 4, 1789	Mar. 3, 1795	
4th-6th	Jacob Read	Mar. 4, 1795	Mar. 3, 1801	
7th-9th	John Ewing Colhoun	Mar. 4, 1801	Mar. 3, 1807	Died Oct. 26, 1802.
Do	Pierce Butler	Nov. 4, 1802	Do.	Res. Nov. 21, 1804.
8th-21st	John Gaillard	Dec. 6, 1804	Mar. 3, 1831	Died Feb. 26, 1826.
19th	William Harper	Mar. 8, 1826	Nov. 29, 1826	By gov., to fill vac.
19th-21st	William Smith	Nov. 29, 1826	Mar. 3, 1831	
22d-24th	Stephen D. Miller	Mar. 4, 1831	Mar. 3, 1837	Res. Mar. 2, 1833.
23d-27th	William C. Preston	Nov. 26, 1833	Mar. 3, 1843	Res. Nov. 29, 1842.
27th-30th	George McDuffie [11]	Dec. 2, 1842	Mar. 3, 1849	
29th-36th	Andrew P. Butler	Dec. 4, 1846	Mar. 3, 1861	Died May 25, 1857.
35th-36th	James H. Hammond [12]	Dec. 7, 1857	Do.	
40th-42d	Frederick A. Sawyer [13]	July 16, 1868	Mar. 3, 1873	
43d-45th	John J. Patterson	Mar. 4, 1873	Mar. 3, 1879	
46th-51st	Wade Hampton	Mar. 4, 1879	Mar. 3, 1891	
52d-54th	John L. M. Irby	Mar. 4, 1891	Mar. 3, 1897	
55th-57th	Joseph H. Earle	Mar. 4, 1897	Mar. 3, 1903	Died May 20, 1897.
55th	John L. McLaurin	May 27, 1897	Jan. 25, 1898	By gov., to fill vac.
55th-57th	......do	Jan. 26, 1898	Mar. 3, 1903	
58th-60th	Asbury C. Latimer	Mar. 4, 1903	Mar. 3, 1909	Died Feb. 20, 1908.
60th	Frank B. Gary	Mar. 6, 1908	Do.	
61st-78th	Ellison D. Smith	Mar. 4, 1909	Jan. 2, 1945	Died Nov. 17, 1944.
78th	Wilton E. Hall	Nov. 20, 1944	Do.	By gov., to fill vac.
79th-90th	Olin D. Johnston	Jan. 3, 1945	Jan. 2, 1969	Died Apr. 18, 1965.
89th-90th	Donald Russell	Apr. 22, 1965	Do.	By gov., to fill vac.
89th-102d	Ernest F. Hollings [14]	Nov. 9, 1966	Jan. 2, 1993	

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[1] Elected Dec. 12, 1832. Took oath Jan. 4, 1833. Vice President during interim. Resigned Mar. 3, 1843.

[2] Resigned Mar. 3, 1845. Vacancy from Mar. 4 to Nov. 26, 1845.

[3] By governor, to fill vacancy. Died May 29, 1850.

See footnotes at end of South Carolina table.

SOUTH CAROLINA—Continued

[4] Retired from the Senate Nov. 10, 1860. Expelled July 11, 1861. Vacancy from Nov. 10, 1860, to July 15, 1868, because of Civil War.

[5] By legislature, to fill vacancy in term beginning Mar. 4, 1865.

[6] By governor, to fill vacancy. Died Aug. 1, 1941.

[7] Elected Nov. 4, 1941, to fill vacancy in term ending Jan. 2, 1943.

[8] Resigned effective Dec. 23, 1954.

[9] Appointed by governor to fill vacancy in term ending Jan. 2, 1955, having previously, on Nov. 2, 1954, been elected to full term ending Jan. 2, 1961.

[10] Elected Nov. 6, 1956, to fill vacancy in term ending Jan. 2, 1961.

[11] Resigned Aug. 17, 1846. Vacancy from Aug. 17 to Dec. 3, 1846.

[12] Retired from Senate Nov. 11, 1860. Vacancy from Nov. 11, 1860, to July 16, 1868, because of Civil War.

[13] By legislature, to fill vacancy in term beginning Mar. 4, 1867.

[14] Elected Nov. 8, 1966, to fill vacancy in term ending Jan. 2, 1969.

SOUTH DAKOTA

CLASS 2 880

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
51st-56th	Richard F. Pettigrew	Nov. 2, 1889	Mar. 3, 1901	
57th-62d	Robert J. Gamble	Mar. 4, 1901	Mar. 3, 1913	
63d-68th	Thomas Sterling	Mar. 4, 1913	Mar. 3, 1925	
69th-71st	William H. McMaster	Mar. 4, 1925	Mar. 3, 1931	
72d-77th	William J. Bulow	Mar. 4, 1931	Jan. 2, 1943	
78th-80th	Harlan J. Bushfield	Jan. 3, 1943	Jan. 2, 1949	Died Sept. 27, 1948.
80th	Vera C. Bushfield [1]	Oct. 6, 1948	Dec. 26, 1948	By gov., to fill vac.
80th-92d	Karl E. Mundt [2]	Dec. 31, 1948	Jan. 2, 1973	
93d-95th	James Abourezk	Jan. 3, 1973	Jan. 2, 1979	
96th-101st	Larry Pressler	Jan. 3, 1979	Jan. 2, 1991	

CLASS 3 881

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
51st	Gideon C. Moody	Nov. 2, 1889	Mar. 3, 1891	
52d-57th	James H. Kyle	Mar. 4, 1891	Mar. 3, 1903	Died July 1, 1901.
57th	Alfred B. Kittredge	July 11, 1901	Jan. 20, 1903	By gov., to fill vac.
57th-60th	......do	Jan. 21, 1903	Mar. 3, 1909	
61st-63d	Coe I. Crawford	Mar. 4, 1909	Mar. 3, 1915	
64th-66th	Edwin S. Johnson	Mar. 4, 1915	Mar. 3, 1921	
67th-75th	Peter Norbeck	Mar. 4, 1921	Jan. 2, 1939	Died Dec. 20, 1936.
74th-75th	Herbert E. Hitchcock	Dec. 29, 1936	Nov. 8, 1938	By gov., to fill vac.
75th	Miss Gladys Pyle	Nov. 9, 1938	Jan. 2, 1939	
76th-81st	J. Chandler Gurney	Jan. 3, 1939	Jan. 2, 1951	
82d-87th	Francis Case	Jan 3, 1951	Jan. 2, 1963	Died June 22, 1962.
87th	Joe H. Bottum	July 9, 1962	Do.	By gov., to fill vac.
88th-96th	George McGovern	Jan. 3, 1963	Jan. 2, 1981	
97th-99th	James Abdnor	Jan. 3, 1981	Jan. 2, 1987	
100th-102d	Thomas A. Daschle	Jan. 3, 1987	Jan. 2, 1993	

[1] Resigned Dec. 26, 1948.

[2] Appointed by governor Dec. 27, 1948, to fill vacancy in term ending Jan. 2, 1949. Oath administered Dec. 31, 1948. Continued to serve as Member of House of Representatives during interim.

TENNESSEE

CLASS 1 882

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
4th	William Cocke	Aug. 2, 1796	Mar. 3, 1797	
5th	......do [1]	Apr. 22, 1797	Sept. 26, 1797	
5th-7th	Andrew Jackson	Sept. 26, 1797	Mar. 3, 1803	Res. in April 1798.
5th	Daniel Smith	Oct. 6, 1798	Dec. 12, 1798	By gov., to fill vac.
5th-10th	Joseph Anderson	Dec. 12, 1798	Mar. 3, 1809	
11th	......do	Mar. 4, 1809	Apr. 10, 1809	Do.
11th-13th	......do	Apr. 11, 1809	Mar. 3, 1815	
14th-16th	George W. Campbell [2]	Oct. 10, 1815	Mar. 3, 1821	

See footnotes at end of Tennessee table.

TENNESSEE—Continued

CLASS 1—Continued

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
15th-16th	John H. Eaton	Sept. 5, 1818	Oct. 8, 1819	By gov., to fill vac.
16th-22d	......do	Oct. 9, 1819	Mar. 3, 1833	Res. Mar. 9, 1829.
21st-25th	Felix Grundy	Oct. 19, 1829	Mar. 3, 1839	Res. July 4, 1838.
25th	Ephraim H. Foster[3]	Sept. 17, 1838	Do.	
26th-28th	Felix Grundy	Dec. 14, 1839	Mar. 3, 1845	Died Dec. 19, 1840.
26th-27th	Alfred O. P. Nicholson	Dec. 25, 1840	Oct. 16, 1843	By gov., to fill vac.
28th	Ephraim H. Foster	Oct. 17, 1843	Mar. 3, 1845	
29th-31st	Hopkins L. Turney	Mar. 4, 1845	Mar. 3, 1851	
32d-34th	James C. Jones[4]	Mar. 4, 1851	Mar. 3, 1857	
35th-37th	Andrew Johnson[5]	Oct. 8, 1857	Mar. 3, 1863	
39th-40th	David T. Patterson[6]	May 4, 1865	Mar. 3, 1869	
41st-43d	William G. Brownlow	Mar. 4, 1869	Mar. 3, 1875	
44th-46th	Andrew Johnson	Mar. 4, 1875	Mar. 3, 1881	Died July 31, 1875.
44th	David M. Key	Aug. 18, 1875	Jan. 19, 1877	By gov., to fill vac.
44th-46th	James E. Bailey	Jan. 19, 1877	Mar. 3, 1881	
47th-49th	Howell E. Jackson	Mar. 4, 1881	Mar. 3, 1887	Res. Apr. 14, 1886.
49th	Washington C. Whitthorne.	Apr. 16, 1886	Do.	By gov., to fill vac.
50th-61st	William B. Bate	Mar. 4, 1887	Mar. 3, 1911	Died Mar. 9, 1905.
59th-61st	James B. Frazier	Mar. 21, 1905	Do.	
62d-64th	Luke Lea	Mar. 4, 1911	Mar. 3, 1917	
65th-82d	Kenneth D. McKellar	Mar. 4, 1917	Jan. 2, 1953	
83d-91st	Albert Gore	Jan. 3, 1953	Jan. 2, 1971	
92d-94th	William E. Brock III	Jan. 3, 1971	Jan. 2, 1977	
95th-103d	James R. Sasser	Jan. 3, 1977	Jan. 2, 1995	

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Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
4th-5th	William Blount	Aug. 2, 1796	Mar. 3, 1799	Exp. July 8, 1797.
5th	Joseph Anderson	Sept. 26, 1797	Do.	
6th-8th	William Cocke	Mar. 4, 1799	Mar. 3, 1805	
9th-11th	Daniel Smith	Mar. 4, 1805	Mar. 3, 1811	Res. Mar. 31, 1809.
11th-14th	Jenkin Whiteside	Apr. 11, 1809	Mar. 3, 1817	Res. Oct. 8, 1811.
12th-14th	George W. Campbell	Oct. 8, 1811	Do.	Res. Feb. 11, 1814.
13th-14th	Jesse Wharton	Mar. 17, 1814	Oct. 10, 1815	By gov., to fill vac.
14th	John William	Oct. 10, 1815	Mar. 3, 1817	
15th	......do[7]	Mar. 4, 1817	Oct. 1, 1817	
15th-17th	......do	Oct. 2, 1817	Mar. 3, 1823	
18th-20th	Andrew Jackson	Mar. 4, 1823	Mar. 3, 1829	Res. Oct. 14, 1825.
19th-23d	Hugh Lawson White[8]	Oct. 28, 1825	Mar. 3, 1835	
24th-26th	......do	Oct. 6, 1835	Mar. 3, 1841	Res. Jan. 13, 1840.
26th	Alexander Anderson[9]	Jan. 27, 1840	Do.	
28th-29th	Spencer Jarnagin	Oct. 17, 1843	Mar. 3, 1847	
30th-32d	John Bell[10]	Nov. 22, 1847	Mar. 3, 1853	
33d-35th	......do	Oct. 29, 1853	Mar. 3, 1859	
36th-38th	Alfred O. P. Nicholson[11]	Mar. 4, 1859	Mar. 3, 1865	
39th-41st	Joseph S. Fowler	May 4, 1865	Mar. 3, 1871	
42d-44th	Henry Cooper	Mar. 4, 1871	Mar. 3, 1877	
45th-56th	Isham G. Harris	Mar. 4, 1877	Mar. 3, 1901	Died July 8, 1897.
55th	Thomas B. Turley	July 20, 1897	Feb. 1, 1898	By gov., to fill vac.
55th-56th	......do	Feb. 2, 1898	Mar. 3, 1901	
57th-59th	Edward W. Carmack	Mar. 4, 1901	Mar. 3, 1907	
60th-62d	Robert L. Taylor	Mar. 4, 1907	Mar. 3, 1913	Died Mar. 31, 1912.
62d	Newell Sanders	Apr. 8, 1912	Jan. 24, 1913	By gov., to fill vac.
Do	William R. Webb	Jan. 24, 1913	Mar. 3, 1913	
63d-68th	John E. Shields	Mar. 4, 1913	Mar. 3, 1925	
69th-71st	Lawrence D. Tyson	Mar. 4, 1925	Mar. 3, 1931	Died Aug. 24, 1929.
71st	William E. Brock	Sept. 2, 1929	Nov. 3, 1930	By gov., to fill vac.
Do	......do	Nov. 4, 1930	Mar. 3, 1931	
72d-74th	Cordell Hull	Mar. 4, 1931	Jan. 2, 1937	Res. Mar. 3, 1933.
73d	Nathan L. Bachman	Mar. 4, 1933	Nov. 6, 1934	By gov., to fill vac.
73d-77th	......do	Nov. 7, 1934	Jan. 2, 1943	Died Apr. 23, 1937.
75th	George L. Berry	May 6, 1937	Nov. 8, 1938	By gov., to fill vac.
75th-80th	Tom Stewart[12]	Jan. 16, 1939	Jan. 2, 1949	
81st-89st	Estes Kefauver	Jan. 3, 1949	Jan. 2, 1967	Died Aug. 10, 1963.
88th	Herbert S. Walters	Aug. 20, 1963	Nov. 3, 1964	By gov., to fill vac.
88th-89th	Ross Bass	Nov. 4, 1964	Jan. 2, 1967	

See footnotes at end of Tennessee table.

TENNESSEE—Continued

CLASS 1—Continued

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
90th-98th	Howard H. Baker, Jr	Jan. 3, 1967	Jan. 2, 1985	
99th-101st	Albert Gore, Jr	Jan. 3, 1985	Jan. 2, 1991	

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[1] By governor, to fill vacancy by reason of no election.

[2] Resigned to take office "at close of session", Apr. 20, 1818. Vacancy from Mar. 1 to Oct. 10, 1815.

[3] By governor, to fill vacancy; subsequently elected for term beginning Mar. 4, 1839; resigned Mar. 3, 1839. Vacancy from Mar. 4 to Dec. 14, 1939.

[4] Vacancy from Mar. 4 to Oct. 7, 1857.

[5] Resigned Mar. 4, 1862, military governor of Tennessee. Vacancy from Mar. 4, 1862, to May 4, 1865, because of Civil War.

[6] By legislature, to fill vacancy in term beginning Mar. 4, 1863.

[7] By governor, during recess of legislature.

[8] Vacancy from Mar. 4 to Oct. 5, 1835.

[9] Vacancy from Mar. 4, 1841, to Oct. 16, 1843.

[10] Vacancy from Mar. 4, to Oct. 28, 1853.

[11] Retired Mar. 3, 1861. Expelled July 11, 1861. Vacancy from Mar. 3, 1861, to May 4, 1865, because of Civil War.

[12] Elected Nov. 8, 1938. Took oath Jan. 16, 1939. Vacancy from Nov. 9, 1938, to Jan. 15, 1939.

TEXAS

CLASS 1 884

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
29th-37th	Thomas J. Rusk	Feb. 21, 1846	Mar. 3, 1863	Died July 29, 1857.
35th-37th	J. Pinckney Henderson	Nov. 9, 1857	Do.	Died June 4, 1858.
35th-36th	Matthias Ward	Sept. 27, 1858	Dec. 5, 1859	By gov., to fill vac.
36th-37th	Louis T. Wigfall[1]	Dec. 5, 1859	Mar. 3, 1863	
41st-43d	J. W. Flanagan[2]	Feb. 22, 1870	Mar. 3, 1875	
44th-49th	Samuel B. Maxey	Mar. 4, 1875	Mar. 3, 1887	
50th-52d	John H. Reagan	Mar. 4, 1887	Mar. 3, 1893	Res. June 10, 1891.
52d	Horace Chilton	June 10, 1891	Mar. 22, 1892	By gov., to fill vac.
52d-55th	Roger Q. Mills	Mar. 23, 1892	Mar. 3, 1899	
56th-67th	Charles A. Culberson	Mar. 4, 1899	Mar. 3, 1923	
68th-70th	Earle B. Mayfield	Mar. 4, 1923	Mar. 3, 1929	
71st-82d	Tom Connally	Mar. 4, 1929	Jan. 2, 1953	
83d-85th	Price Daniel	Jan. 3, 1953	Jan. 2, 1959	Res. Jan. 14, 1957.
85th	Wm. A. Blakley	Jan. 15, 1957	Apr. 28, 1957	By gov., to fill vac.
85th-91st	Ralph Yarborough[3]	Apr. 29, 1957	Jan. 2, 1971	
92d-103d	Lloyd M. Bentsen, Jr	Jan. 3, 1971	Jan. 2, 1995	

CLASS 2 885

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
29th-35th	Sam Houston	Feb. 21, 1846	Mar. 3, 1859	
36th-38th	John Hemphill[4]	Mar. 4, 1859	Mar. 3, 1865	
41st-44th	Morgan C. Hamilton[5]	Feb. 22, 1870	Mar. 3, 1877	
45th-53d	Richard Coke	Mar. 4, 1877	Mar. 3, 1895	
54th-56th	Horace Chilton	Mar. 4, 1895	Mar. 3, 1901	
57th-62d	Joseph W. Bailey	Mar. 4, 1901	Mar. 3, 1913	Res. Jan. 3, 1913.
62d	Rienzi M. Johnston	Jan. 4, 1913	Jan. 29, 1913	By gov., to fill vac.
62d-77th	Morris Sheppard	Jan. 29, 1913	Jan. 2, 1943	Died Apr. 9, 1941.
77th	Andrew Jackson Houston[6].	Apr. 21, 1941	June 26, 1941	
77th-80th	W. Lee O'Daniel[7]	Aug. 4, 1941	Jan. 2, 1949	
81st-87th	Lyndon B. Johnson[8]	Jan. 3, 1949	Jan. 3, 1961	
87th	Wm. A. Blakley[9]	Jan. 3, 1961	June 14, 1961	By gov., to fill vac.
87th-98th	John G. Tower[10]	June 15, 1961	Jan. 2, 1985	
99th-101st	William Philip Gramm	Jan. 3, 1985	Jan. 2, 1991	

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[1] Expelled July 11, 1861. Vacancy from July 11, 1861, to Feb. 22, 1870, because of Civil War.

[2] By legislature, to fill vacancy in term beginning Mar. 4, 1869.

[3] Elected Apr. 2, 1957, to fill vacancy in term ending Jan. 2, 1959. Took oath Apr. 29, 1957.

[4] Expelled July 11, 1861. Vacancy from July 11, 1861, to Feb. 22, 1870, because of Civil War.

[5] By legislature, to fill vacancy in term beginning Mar. 4, 1865.

[6] By governor, to fill vacancy. Died June 26, 1941.

TEXAS—Continued

[7] Elected June 28, 1941. Took oath Aug. 4, 1941, Governor during interim.

[8] Elected Nov. 8, 1960, to full term Jan. 3, 1961, to Jan 2, 1967, but resigned Jan. 3, 1961, immediately after taking oath of office, having been elected Vice President of the United States for the 44th term on Nov. 8, 1960.

[9] Defeated in special election held May 27, 1961.

[10] Elected May 27, 1961, to serve unexpired term. *See* S. Jour. 547, 87-1, July 17, 1961.

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CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
54th-55th	Frank J. Cannon	Jan. 22, 1896	Mar. 3, 1899	
56th-58th	Thomas Kearns [1]	Jan. 23, 1901	Mar. 3, 1905	
59th-65th	George Sutherland	Mar. 4, 1905	Mar. 3, 1917	
65th-76th	William H. King	Mar. 4, 1917	Jan. 2, 1941	
77th-79th	Abe Murdock	Jan. 3, 1941	Jan. 2, 1947	
80th-85th	Arthur V. Watkins	Jan. 3, 1947	Jan. 2, 1959	
86th-94th	Frank E. Moss	Jan. 3, 1959	Jan. 2, 1977	
95th-103d	Orrin G. Hatch	Jan. 3, 1977	Jan. 2, 1995	

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CLASS 3

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
54th	Arthur Brown	Jan. 22, 1896	Mar. 3, 1897	
55th-57th	Joseph L. Rawlins	Mar. 4, 1897	Mar. 3, 1903	
58th-72d	Reed Smoot	Mar. 4, 1903	Mar. 3, 1933	
73d-81st	Elbert D. Thomas	Mar. 4, 1933	Jan. 2, 1951	
82d-93d	Wallace F. Bennett	Jan. 3, 1951	Jan. 2, 1975	Res. Dec. 20, 1974.
93d-102d	E. J. "Jake" Garn [2]	Dec. 21, 1974	Jan. 2, 1993	

[1] Vacancy from Mar. 4, 1899, to Jan. 22, 1901, because of failure of legislature to elect.

[2] By governor, to fill vacancy in term ending Jan. 2, 1975.

VERMONT

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CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
2d-4th	Moses Robinson	Oct. 17, 1791	Mar. 3, 1797	Res. Oct. 15, 1796.
4tn-7th	Issac Tichenor	Oct. 18, 1796	Mar. 3, 1803	Res. Oct. 17, 1797.
5th-7th	Nathaniel Chipman	Oct. 17, 1797	Do.	
8th-10th	Israel Smith	Mar. 4, 1803	Mar. 3, 1809	Res. Oct. 1, 1807.
10th-13th	Jonathan Robinson	Oct. 10, 1807	Mar. 3, 1815	
14th-16th	Issac Tichenor	Mar. 4, 1815	Mar. 3, 1821	
17th-22d	Horatio Seymour	Mar. 4, 1821	Mar. 3, 1833	
23d-25th	Benjamin Swift	Mar. 4, 1833	Mar. 3, 1839	
26th-31st	Samuel S. Phelps	Mar. 4, 1839	Mar. 3, 1851	
32d-40th	Solomon Foot	Mar. 4, 1851	Mar. 3, 1869	Died Mar. 28, 1866.
39th	George F. Edmunds	Apr. 3, 1866	Oct. 23, 1866	By gov., to fill vac.
39th-52d	......do	Oct. 24, 1866	Mar. 3, 1893	Res. Nov. 1, 1891.
52d	Redfield Proctor	Nov. 2, 1891	Oct. 18, 1892	By gov., to fill vac.
52d-61st	......do	Oct. 19, 1892	Mar. 3, 1911	Died Mar. 4, 1908.
60th	John W. Stewart	Mar. 24, 1908	Oct. 20, 1908	By gov., to fill vac.
60th-67th	Carroll S. Page	Oct. 21, 1908	Mar. 3, 1923	
68th-73d	Frank L. Greene	Mar. 4, 1923	Mar. 3, 1935	Died Dec. 17, 1930.
71st-72d	Frank C. Partridge	Dec. 23, 1930	Mar. 31, 1931	By gov., to fill vac.
72d-79th	Warren R. Austin	Apr. 1, 1931	Jan. 2, 1947	Res. Aug. 2, 1946.
79th	Ralph E. Flanders	Nov. 1, 1946	Do.	By gov., to fill vac.
80th-85th	......do	Jan. 3, 1947	Jan. 2, 1959	
86th-94th	Winston L. Prouty	Jan. 3, 1959	Jan. 2, 1977	Died Sept. 10, 1971.
92d-100th	Robert T. Stafford [1]	Sept. 16, 1971	Jan. 2, 1989	By gov., to fill vac.
101st-103d	James M. Jeffords	Jan. 3, 1989	Jan. 2, 1995	

See footnotes at end of Vermont table.

VERMONT—Continued

CLASS 1—Continued

CLASS 3 889

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
2d-3d	Stephen R. Bradley	Oct. 17, 1791	Mar. 3, 1795	
4th-6th	Elijah Paine	Mar. 4, 1795	Mar. 3, 1801	Res. Sept. 1, 1801.
7th-12th	Stephen R. Bradley	Oct. 15, 1801	Mar. 3, 1813	
13th-15th	Dudley Chase	Mar. 4, 1813	Mar. 3, 1819	Res. Nov. 3, 1817.
15th	James Fisk	Nov. 4, 1817	Do.	Res. Jan. 8, 1818.
15th-18th	William A. Palmer	Oct. 20, 1818	Mar. 3, 1825	
19th-21st	Dudley Chase	Mar. 4, 1825	Mar. 3, 1831	
22d-27th	Samuel Prentiss	Mar. 4, 1831	Mar. 3, 1843	Res. Apr. 11, 1842.
27th	Samuel C. Crafts	Apr. 23, 1842	Oct. 25, 1842	By gov., to fill vac.
Do	......do	Oct. 26, 1842	Mar. 3, 1843	
28th-33d	William Upham	Mar. 4, 1843	Mar. 3, 1855	Died Jan. 14, 1853.
32d-33d	Samuel S. Phelps [2]	Jan. 17, 1853	Mar. 16, 1854	
33d	Lawrence Brainerd	Oct. 14, 1854	Mar. 3, 1855	
34th-39th	Jacob Collamer	Mar. 4, 1855	Mar. 3, 1867	Died Nov. 9, 1865.
39th	Luke P. Poland	Nov. 21, 1865	Oct. 23, 1866	By gov., to fill vac.
Do	......do	Oct. 24, 1866	Mar. 3, 1867	
40th-57th	Justin S. Morrill	Mar. 4, 1867	Mar. 3, 1903	Died Dec. 28, 1898.
55th-56th	Jonathan Ross	Jan. 11, 1899	Oct. 17, 1900	By gov., to fill vac.
56th-69th	William P. Dillingham [3]	Oct. 18, 1900	Mar. 3, 1927	
68th-75th	Porter H. Dale [4]	Nov. 6, 1923	Jan. 2, 1939	
73d	Ernest W. Gibson	Nov. 21, 1933	Jan. 16, 1934	Do.
73d-78th	......do	Jan. 17, 1934	Jan. 2, 1945	Died June 20, 1940.
76th	Ernest W. Gibson, Jr	June 24, 1940	Jan. 2, 1941	By gov., to fill vac.
77th-93d	George D. Aiken [5]	Jan. 10, 1941	Jan. 2, 1975	
94th-102d	Patrick J. Leahy	Jan. 3, 1975	Jan. 2, 1993	

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[1] Elected Jan. 7, 1972, to fill vacancy in term ending Jan. 2, 1977.

[2] By governor, to fill vacancy. By resolution of Senate, Mar. 16, 1854, declared not entitled to retain his seat. Vacancy from Mar. 16 to Oct. 13, 1854.

[3] Died July 12, 1923. Vacancy from July 13 to Nov. 5, 1923.

[4] Died Oct. 6, 1933. Vacancy from Oct. 7 to Nov. 20, 1933.

[5] Elected Nov. 5, 1940, to fill vacancy in term ending Jan. 2, 1945. Took oath Jan. 10, 1941. Governor during interim.

VIRGINIA

CLASS 1 890

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
1st	William Grayson	Mar. 4, 1789	Mar. 3, 1791	Died Mar. 12, 1790.
Do	John Walker	Mar. 31, 1790	Nov. 9, 1790	By gov., to fill vac.
1st-4th	James Monroe	Nov. 9, 1790	Mar. 3, 1797	Res. May 27, 1794.
3d-10th	Stevens T. Mason	Nov. 18, 1794	Mar. 3, 1809	Died May 10, 1803.
8th	John Taylor	June 4, 1803	Dec. 7, 1803	By gov., to fill vac.
8th-10th	Abraham B. Venable	Dec. 7, 1803	Mar. 3, 1809	Res. June 7, 1804.
8th	William B. Giles	Aug. 11, 1804	Dec. 4, 1804	By gov., to fill vac.
8th-10th	Andrew Moore	Dec. 4, 1804	Mar. 3, 1809	
11th-13th	Richard Brent	Mar. 4, 1809	Mar. 3, 1815	Died Dec. 30, 1814.
13th-19th	James C. Barbour	Jan. 2, 1815	Mar. 3, 1827	Res. Mar. 27, 1825.
19th	John Randolph	Dec. 9, 1825	Do.	
20th-25th	John Tyler	Mar. 4, 1827	Mar. 3, 1839	Res. Feb. 29, 1836.
24th-25th	William C. Rives [1]	Mar. 4, 1836	Do.	
26th-28th	......do	Jan. 18, 1841	Mar. 3, 1845	
29th-31st	Isaac S. Pennybacker	Dec. 3, 1845	Mar. 3, 1851	Died Jan. 12, 1847.
29th-37th	James M. Mason [2]	Jan. 21, 1847	Mar. 3, 1863	
37th	Waitman T. Willey [3]	July 9, 1861	Do.	
38th-40th	Lemuel J. Bowden [4]	Mar. 4, 1863	Mar. 3, 1869	
41st-43d	John F. Lewis [5]	Oct. 20, 1869	Mar. 3, 1875	
44th-46th	Robert E. Withers	Mar. 4, 1875	Mar. 3, 1881	
47th-49th	William Mahone	Mar. 4, 1881	Mar. 3, 1887	
50th-64th	John W. Daniel	Mar. 4, 1887	Mar. 3, 1917	Died June 29, 1910.
61st	Claude A. Swanson	Aug. 1, 1910	Mar. 3, 1911	By gov., to fill vac.

See footnotes at end of Virginia table.

VIRGINIA—Continued

CLASS 1—Continued

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
62d	......do	Mar. 4, 1911	Jan. 23, 1912	Do.
62d-73d	......do [6]	Jan. 24, 1912	Jan. 2, 1935	
73d-91st	Harry Flood Byrd [7]	Mar. 4, 1933	Jan. 2, 1971	By gov., to fill vac.
89th-97th	Harry Flood Byrd, Jr. [8]	Nov. 12, 1965	Jan. 2, 1983	Do.
98th-100th	Paul S. Trible, Jr	Jan. 3, 1983	Jan. 2, 1989	
101st-103d	Charles S. Robb	Jan. 3, 1989	Jan. 2, 1995	

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CLASS 2

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
1st-2d	Richard Henry Lee	Mar. 4, 1789	Mar. 3, 1793	Res. Oct. 8, 1792.
2d-5th	John Taylor	Oct. 18, 1792	Mar. 3, 1799	Res. May 11, 1794.
3d-5th	Henry Tazewell	Nov. 18, 1794	Do.	Died Jan. 24, 1799.
6th-8th	Wilson C. Nicholas	Dec. 5, 1799	Mar. 3, 1805	Res. May 22, 1804.
8th	Andrew Moore	Aug. 11, 1804	Dec. 4, 1804	By gov., to fill vac.
8th-14th	William B. Giles	Dec. 4, 1804	Mar. 3, 1817	Res. Mar. 3, 1815.
14th	Armistead T. Mason	Jan. 3, 1816	Do.	
15th-17th	John W. Eppes	Mar. 4, 1817	Mar. 3, 1823	Res. Dec. 4, 1819.
16th-17th	James Pleasants	Dec. 10, 1819	Do.	Res. Dec. 15, 1822.
17th-20th	John Taylor	Dec. 18, 1822	Mar. 3, 1829	Died Aug. 20, 1824.
18th-23d	Littleton W. Tazewell	Dec. 7, 1824	Mar. 3, 1835	Res. July 16, 1832.
22d-23d	William C. Rives	Dec. 10, 1832	Do.	Res. Feb. 22, 1834.
23d-26th	Benjamin W. Leigh	Feb. 26, 1834	Mar. 3, 1841	Res. July 4, 1836.
24th-26th	Richard E. Parker	Dec. 12, 1836	Do.	Res. Mar. 13, 1837.
25th-26th	William H. Roane	Mar. 14, 1837	Do.	
27th-29th	William S. Archer	Mar. 4, 1841	Mar. 3, 1847	
30th-38th	Robert M. T. Hunter [9]	Mar. 4, 1847	Mar. 3, 1865	
37th-38th	John S. Carlile [10]	July 9, 1861	Do.	
41st	John W. Johnston [11]	Oct. 20, 1869	Mar. 3, 1871	
42d-47th	......do	Mar. 15, 1871	Mar. 3, 1883	
48th-50th	Harrison H. Riddleberger	Mar. 4, 1883	Mar. 3, 1889	
51st-53d	John S. Barbour, Jr	Mar. 4, 1889	Mar. 3, 1895	Died May 14, 1892.
52d-53d	Eppa Hunton	May 28, 1892	Dec. 19, 1893	By gov., to fill vac.
53d	......do	Dec. 20, 1893	Mar. 3, 1895	
54th-66th	Thomas S. Martin [12]	Mar. 4, 1895	Mar. 3, 1925	
66th	Carter Glass [13]	Nov. 18, 1919	Nov. 2, 1920	
66th-80th	......do	Nov. 3, 1920	Jan. 2, 1949	Died May 28, 1946.
79th	Thomas G. Burch	May 31, 1946	Nov. 5, 1946	By gov., to fill vac.
79th-89th	A. Willis Robertson [14]	Nov. 6, 1946	Jan. 2, 1967	Res. Dec. 30, 1966.
89th-92d	William B. Spong, Jr [15]	Dec. 31, 1966	Jan. 2, 1973	
93d-95th	William L. Scott	Jan. 3, 1973	Jan. 2, 1979	Res. Jan. 1, 1979.
96th-101st	John W. Warner	Jan. 2, 1979	Jan. 2, 1991	By gov . to fill vac.

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[1] Vacancy in this class from Mar. 4, 1839, to Jan. 17, 1841.

[2] Retired from Senate Mar. 28, 1861. Expelled July 11, 1861. Vacancy from Mar. 28 to July 8, 1861, because of Civil War.

[3] By legislature, to fill vacancy.

[4] Died Jan. 2, 1864. Vacancy from Jan. 2, 1864, to Oct. 20, 1869, because of Civil War.

[5] By legislature, to fill vacancy in term beginning Mar. 4, 1869.

[6] Resigned, effective Mar. 3, 1933.

[7] Elected Nov. 7, 1933, to fill vacancy in term ending Jan. 2, 1935. Resigned Nov. 10, 1965.

[8] Elected Nov. 8, 1966, to fill vacancy in term ending Jan. 2, 1971.

[9] Retired from Senate Mar. 28, 1861. Expelled July 11, 1861. Vacancy from Mar. 28 to July 8, 1861, because of Civil War.

[10] By legislature to fill vacancy. Vacancy from Mar. 4, 1865, to Oct. 20, 1869, because of Civil War.

[11] By legislature to fill vacancy in term beginning Mar. 4, 1865.

[12] Died Nov. 12, 1919. Vacancy from Nov. 12, 1919, to Feb. 21 1920.

[13] Appointed by governor. Took oath Feb. 2, 1920; Secretary of Treasury during interim.

[14] Elected Nov. 5, 1946, to fill vacancy in term ending Jan. 2, 1949.

[15] By governor, to fill vacancy in term ending Jan. 2, 1967.

WASHINGTON

CLASS 1 892

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
51st-52d	John B. Allen	Nov. 20, 1889	Mar. 3, 1893	
53d-55th	John L. Wilson [1]	Feb. 1, 1895	Mar. 3, 1899	
56th-58th	Addison G. Foster	Mar. 4, 1899	Mar. 3, 1905	
59th-61st	Samuel H. Piles	Mar. 4, 1905	Mar. 3, 1911	
62d-67th	Miles Poindexter	Mar. 4, 1911	Mar. 3, 1923	
68th-73d	Clarence C. Dill	Mar. 4, 1923	Jan. 2, 1935	
74th-76th	Lewis B. Schwellenbach	Jan. 3, 1935	Jan. 2, 1941	Res. Dec. 16, 1940.
76th	Mon C. Wallgren	Dec. 19, 1940	Do.	By gov., to fill vac.
77th-79th	do.[2]	Jan. 3, 1941	Jan. 2, 1947	
79th	Hugh B. Mitchell [3]	Jan. 10, 1945	Do.	
Do	Harry P. Cain	Dec. 26, 1946	Do.	Do.
80th-82d	do	Jan. 2, 1947	Jan. 2, 1953	
83d-98th	Henry M. Jackson	Jan. 3, 1953	Jan. 2, 1989	Died Sept. 1, 1983
98th-100th	Daniel J. Evans[4]	Sept. 12, 1983	Jan. 2, 1989	
101st-103d	Slade Gorton	Jan. 3, 1989	Jan. 2, 1995	

CLASS 3 893

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
51st-54th	Watson C. Squire	Nov. 20, 1889	Mar. 3, 1897	
55th-57th	George Turner	Mar. 4, 1897	Mar. 3, 1903	
58th-60th	Levi Ankeny	Mar. 4, 1903	Mar. 3, 1909	
61st-72d	Wesley L. Jones	Mar. 4, 1909	Mar. 3, 1933	Died Nov. 19, 1932.
72d	Elijah S. Grammer	Nov. 22, 1932	Do.	By gov., to fill vac.
73d-78th	Homer T. Bone	Mar. 4, 1933	Jan. 2, 1945	Res. Nov. 13, 1944.
78th-96th	Warren G. Magnuson [5]	Dec. 14, 1944	Jan. 2, 1981	
97th-99th	Slade Gorton	Jan. 3, 1981	Jan. 2, 1987	
100th-102d	Brock Adams	Jan 3, 1987	Jan. 2, 1993	

[1] Vacancy from Mar. 4, 1893, to Feb. 1, 1895, because of failure of legislature to elect. John B. Allen was appointed by governor Mar. 10, 1893, to fill vacancy, but by Senate resolution of Aug. 28, 1893, was declared not entitled to a seat.

[2] Resigned to become governor. Jan. 10, 1945.

[3] By governor, to fill vacancy. Resigned Dec. 25, 1946.

[4] Appointed by governor Sept. 8, 1983, to fill vacancy until special election; held Nov. 8, 1983, elected to fill unexpired term ending Jan. 2, 1989.

[5] By governor, to fill vacancy in term ending Jan. 2, 1945.

WEST VIRGINIA

CLASS 1 894

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
38th-40th	Peter G. Van Winkle	Aug. 4, 1863	Mar. 3, 1869	
41st-43d	Arthur I. Boreman	Mar. 4, 1869	Mar. 3, 1875	
44th-46th	Allen T. Caperton	Mar. 4, 1875	Mar. 3, 1881	Died July 26, 1876.
44th	Samuel Price	Aug. 26, 1876	Jan. 26, 1877	By gov., to fill vac.
44th-46th	Frank Hereford	Jan. 26, 1877	Mar. 3, 1881	
47th-49th	Johnson N. Camden	Mar. 4, 1881	Mar. 3, 1887	
50th-55th	Charles J. Faulkner	Mar. 4, 1887	Mar. 3, 1899	
56th-61st	Nathan B. Scott	Mar. 4, 1899	Mar. 3, 1911	
62d-64th	William E. Chilton	Mar. 4, 1911	Mar. 3, 1917	
65th-67th	Howard Sutherland	Mar. 4, 1917	Mar. 3, 1923	
68th-70th	Matthew M. Neely	Mar. 4, 1923	Mar. 3, 1929	
71st-73d	Henry D. Hatfield	Mar. 4, 1929	Jan. 2, 1935	
74th-76th	Rush D. Holt [1]	Jan. 3, 1935	Jan. 2, 1941	
77th-85th	Harley M. Kilgore	Jan. 3, 1941	Jan. 2, 1959	Died Feb. 28, 1956.
84th	William R. Laird III	Mar. 13, 1956	Nov. 6, 1956	By gov., to fill vac.
85th	Chapman Revercomb [2]	Nov. 7, 1956	Jan. 2, 1959	
86th-103d	Robert C. Byrd	Jan. 3, 1959	Jan. 2, 1995	

CLASS 2 895

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
38th-41st	Waitman T. Willey	Aug. 4, 1863	Mar. 3, 1871	

See footnotes at end of West Virginia table.

WEST VIRGINIA—Continued

CLASS 2—Continued

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
42d-47th	Henry G. Davis	Mar. 4, 1871	Mar. 3, 1883	
48th-53d	John E. Kenna	Mar. 4, 1883	Mar. 3, 1895	Died Jan 11, 1893.
52d-53d	Johnson N. Camden	Jan. 25, 1893	Do.	
54th-62d	Stephen B. Elkins	Mar. 4, 1895	Mar. 3, 1913	Died Jan. 4, 1911.
61st	Davis Elkins	Jan. 9, 1911	Jan. 31, 1911	By gov., to fill vac.
61st-62d	Clarence W. Watson	Feb. 1, 1911	Mar. 3, 1913	
63d-65th	Nathan Goff	Mar. 4, 1913	Mar. 3, 1919	
66th-68th	Davis Elkins	Mar. 4, 1919	Mar. 3, 1925	
69th-71st	Guy D. Goff	Mar. 4, 1925	Mar. 3, 1931	
72d-77th	Matthew M. Neely	Mar. 4, 1931	Jan. 2, 1943	Res. Jan. 12, 1941.
77th	Joseph Rosier	Jan. 13, 1941	Nov. 17, 1942	By gov., to fill vac.
Do	Hugh Ike Shott	Nov. 18, 1942	Jan. 2, 1943	
78th-80th	Chapman Revercomb	Jan. 3, 1943	Jan. 2, 1949	
81st-86th	Matthew M. Neely	Jan. 3, 1949	Jan. 2, 1961	Died Jan. 18, 1958.
85th	John D. Hoblitzell, Jr	Jan. 25, 1958	Nov. 4, 1958	By gov., to fill vac.
85th-98th	Jennings Randolph [3]	Nov. 5, 1958	Jan. 2, 1985	
99th-101st	John D. Rockefeller IV	Jan. 15, 1985	Jan. 2, 1991	

[1] Elected Nov. 6, 1934, but not having reached the age required by the Constitution, did not take his seat until June 21, 1935.

[2] Elected Nov. 6, 1956, to fill vacancy in term ending Jan. 2, 1959.

[3] Elected Nov. 4, 1958, to fill vacancy in term ending Jan. 2, 1961.

WISCONSIN

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CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
30th-34th	Henry Dodge	June 8, 1848	Mar. 3, 1857	
35th-40th	James R. Doolittle	Mar. 4, 1857	Mar. 3, 1869	
41st-43d	Matthew H. Carpenter	Mar. 4, 1869	Mar. 3, 1875	
44th-46th	Angus Cameron	Mar. 4, 1875	Mar. 3, 1881	
47th-52d	Philetus Sawyer	Mar. 4, 1881	Mar. 3, 1893	
53d-55th	John L. Mitchell	Mar. 4, 1893	Mar. 3, 1899	
56th-58th	Joseph V. Quarles	Mar. 4, 1899	Mar. 3, 1905	
59th-69th	Robert M. La Follette [1]	Mar. 4, 1905	Mar. 3, 1929	
69th-79th	Robert M. La Follette, Jr	Sept. 30, 1925	Jan. 2, 1947	Elec. Sept. 29, 1925.
80th-85th	Joseph R. McCarthy	Jan. 3, 1947	Jan. 2, 1959	Died May 2, 1957.
85th-100th	William Proxmire [2]	Aug. 28, 1957	Jan. 2, 1989	
101st-103d	Herbert Kohl	Jan. 3, 1989	Jan. 2, 1995	

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CLASS 3

30th-33d	Isaac P. Walker	June 8. 1848	Mar. 3, 1855	
34th-36th	Charles Durkee	Mar. 4, 1855	Mar. 3, 1861	
37th-45th	Timothy O. Howe	Mar. 4, 1861	Mar. 3, 1879	
46th-48th	Matthew H. Carpenter	Mar. 4, 1879	Mar. 3, 1885	Died Feb. 24, 1881.
47th-48th	Angus Cameron	Mar. 10, 1881	Do.	
49th-51st	John Coit Spooner	Mar. 4, 1885	Mar. 3, 1891	
52d-54th	William F. Vilas	Mar. 4, 1891	Mar. 3, 1897	
55th-60th	John Coit Spooner [3]	Mar. 4, 1897	Mar. 3, 1909	
60th-63d	Isaac Stephenson [4]	May 17, 1907	Mar. 3, 1915	
64th-66th	Paul O. Husting [5]	Mar. 4, 1915	Mar. 3, 1921	
65th-69th	Irvine L. Lenroot [6]	Apr. 2, 1918	Mar. 3, 1927	
70th-72d	John J. Blaine	Mar. 4, 1927	Mar. 3, 1933	
73d-75th	F. Ryan Duffy	Mar. 4, 1933	Jan. 2, 1939	
76th-87th	Alexander Wiley	Jan. 3, 1939	Jan. 2, 1963	
88th-96th	Gaylord Nelson [7]	Jan. 8, 1963	Jan. 2, 1981	
97th-102d	Robert W. Kasten, Jr.	Jan. 3, 1981	Jan. 2, 1993	

[1] Elected Jan. 25, 1905. Took oath Jan. 4, 1906. Governor during interim. Died June 18, 1925. Vacancy from June 19 to Sept. 29, 1925.

[2] Elected Aug. 27, 1957, to fill vacancy in term ending Jan. 2, 1959.

[3] Resigned Mar. 2, 1907, to take effect May 1, 1907.

WISCONSIN—Continued

[4] Elected by legislature to fill vacancy.
[5] Died Oct. 21, 1917. Vacancy from Oct. 22, 1917, to Apr. 1, 1918.
[6] Was Representative from Apr. 2 to 17, 1918, inclusive.
[7] Waived compensation Jan. 3-7, 1963, while governor of State.

WYOMING

CLASS 1 898

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
51st-52d	Francis E. Warren	Nov. 18, 1890	Mar. 3. 1893	
53d	(1)			
53d-65th	Clarence D. Clark[2]	Jan. 23, 1895	Mar. 3, 1917	
65th-73d	John B. Kendrick[3]	Mar. 4, 1917	Jan. 2, 1935	
73d	Joseph C. O'Mahoney[4]	Jan. 1, 1934	Nov. 6, 1934	By gov., to fill vac.
73d-82d	......do	Nov. 7, 1934	Jan. 2, 1953	
83d-85th	Frank A. Barrett	Jan. 3, 1953	Jan. 2, 1959	
86th-94th	Gale W. McGee	Jan. 3, 1959	Jan. 2, 1977	
95th-103d	Malcolm Wallop	Jan. 3, 1977	Jan. 2, 1995	

CLASS 2 899

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
51st-53d	Joseph M. Carey	Nov. 15, 1890	Mar. 3, 1895	
54th-71st	Francis E. Warren	Mar. 4, 1895	Mar. 3, 1931	Died Nov. 24, 1929.
71st	Patrick J. Sullivan	Dec. 5, 1929	Nov. 30, 1930	By gov., to fill vac.
71st-74th	Robert D. Carey	Dec. 1, 1930	Jan. 2, 1937	
75th-77th	Henry H. Schwartz	Jan. 3, 1937	Jan. 2, 1943	
78th-80th	E. V. Robertson	Jan. 3, 1943	Jan. 2, 1949	
81st-83d	Lester C. Hunt	Jan. 3, 1949	Jan. 2, 1955	Died June 19, 1954.
83d	Edward D. Crippa	June 24, 1954	Nov. 28, 1954	By gov., to fill vac.
83d-86th	Joseph C. O'Mahoney[5]	Nov. 29, 1954	Jan. 2, 1961	
87th-89th	John Joseph Hickey[6]	Jan. 3, 1961	Nov. 6, 1962	Do.
87th-100th	Milward L. Simpson	Nov. 7, 1962	Jan. 2, 1967	
90th-95th	Clifford P. Hansen	Jan. 3, 1967	Jan. 2, 1979	Res. Dec. 31, 1978.
96th-101st	Alan K. Simpson	Jan. 1, 1979	Jan. 2, 1991	By gov., to fill vac.

[1] Asahel C. Beckwith appointed by governor. Credentials presented to Senate Mar. 15, 1893, but did not qualify. On July 11, 1893, Mr. Beckwith resigned.
[2] Vacancy from Mar. 4, 1893, to Jan. 23, 1895, because of failure of legislature to elect.
[3] Died Nov. 3, 1933. Vacancy from Nov. 4 to Dec. 31, 1933.
[4] Appointed Dec. 18, 1933, but continued to serve as First Assistant Postmaster General through Dec. 31, 1933.
[5] Elected Nov. 2, 1954, to fill vacancy in term ending Jan. 2, 1955, and to full term ending Jan. 2, 1961.
[6] Keith Thomson, who had been elected Nov. 8, 1960, to full term Jan. 3, 1961, to Jan. 2, 1967, died Dec. 9, 1960, prior to taking the oath of office.

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ELECTORAL VOTES FOR PRESIDENT AND VICE PRESIDENT

901

ELECTION FOR THE FIRST TERM, 1789–1793

George Washington, President; John Adams, Vice President

Name of candidate	Conn.	Del.	Ga.	Md.	Mass.	N.H.	N.J.	Pa.	S.C.	Va.	Total
George Washington, Esq	7	3	5	6	10	5	6	10	7	10	69
John Adams, Esq	5				10	5	1	8		5	34
Samuel Huntington, Esq	2										2
John Jay, Esq		3					5			1	9
John Hancock, Esq								2	1	1	4
Robert H. Harrison, Esq				6							6
George Clinton, Esq										3	3
John Rutledge, Esq									6		6
John Milton, Esq			2								2
James Armstrong, Esq			1								1
Edward Telfair, Esq			1								1
Benjamin Lincoln, Esq			1								1
Total electoral vote	7	3	5	6	10	5	6	10	7	10	69

902

ELECTION FOR THE SECOND TERM, 1793–1797

George Washington, President; John Adams, Vice President

Name of candidate	Conn.	Del.	Ga.	Ky.	Md.	Mass.	N.H.	N.J.	N.Y.	N.C.	Pa.	R.I.	S.C.	Vt.	Va.	Total
George Washington, of Virginia	9	3	4	4	8	16	6	7	12	12	15	4	8	3	21	132
John Adams, of Massachusetts	9	3			8	16	6	7			14	4	7	3		77
George Clinton, of New York			4						12	12	1				21	50
Thomas Jefferson, of Virginia				4												4
Aaron Burr, of New York													1			1
Total electoral vote	9	3	4	4	8	16	6	7	12	12	15	4	8	3	21	132

903

ELECTION FOR THE THIRD TERM, 1797-1801

JOHN ADAMS, President; THOMAS JEFFERSON, Vice President

Name of candidate	Conn.	Del.	Ga.	Ky.	Md.	Mass.	N.H.	N.J.	N.Y.	N.C.	Pa.	R.I.	S.C.	Tenn.	Vt.	Va.	Total
John Adams, of Massachusetts	9	3			7	16	6	7	12	1	1	4			4	1	71
Thomas Jefferson, of Virginia			4	4	4					11	14		8	3		20	68
Thomas Pinckney, of South Carolina	4	3			4	13		7	12	1	2		8		4	1	59
Aaron Burr, of New York				4	3					6	13			3		1	30
Samuel Adams, of Massachusetts																15	15
O. Ellsworth, of Connecticut						1	6					4					11
John Jay, of New York	5																5
George Clinton, of New York			4													3	7
S. Johnston, of North Carolina						2											2
James Iredell, of North Carolina										3							3
George Washington, of Virginia										1						1	2
C. C. Pinckney, of South Carolina										1							1
John Henry, of Maryland					2												2
Total electoral vote	9	3	4	4	10	16	6	7	12	12	15	4	8	3	4	21	138

904

ELECTION FOR THE FOURTH TERM, 1801-1805

THOMAS JEFFERSON, President; AARON BURR, Vice President

Name of candidate	Conn.	Del.	Ga.	Ky.	Md.	Mass.	N.H.	N.J.	N.Y.	N.C.	Pa.	R.I.	S.C.	Tenn.	Vt.	Va.	Total
Thomas Jefferson, of Virginia			4	4	5				12	8	8		8	3		21	*73
Aaron Burr, of New York			4	4	5				12	8	8		8	3		21	*73
John Adams, of Massachusetts	9	3			5	16	6	7		4	7	4			4		65
Charles C. Pinckney, of South Carolina	9	3			5	16	6	7		4	7	3			4		64
John Jay, of New York												1					1
Total electoral vote	9	3	4	4	10	16	6	7	12	12	15	4	8	3	4	21	138

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* There being no choice for President by the people, the election devolved upon the House of Representatives, and February 17, 1801, Thomas Jefferson was chosen by the votes of ten States, to four for Aaron Burr, and two blank.

905

ELECTION FOR THE FIFTH TERM, 1805–1809

THOMAS JEFFERSON, President; GEORGE CLINTON, Vice President

Name of candidate	Conn.	Del.	Ga.	Ky.	Md.	Mass.	N.H.	N.J.	N.Y.	N.C.	Ohio	Pa.	R.I.	S.C.	Tenn.	Vt.	Va.	Total
For President:																		
Thomas Jefferson, of Virginia			6	8	9	19	7	8	19	14	3	20	4	10	5	6	24	162
Charles C. Pinckney, of South Carolina	9	3			2													14
For Vice President:																		
George Clinton, of New York			6	8	9	19	7	8	19	14	3	20	4	10	5	6	24	162
Rufus King, of New York	9	3			2													14
Total electoral vote	9	3	6	8	11	19	7	8	19	14	3	20	4	10	5	6	24	176

906

ELECTION FOR THE SIXTH TERM, 1809–1813

JAMES MADISON, President; GEORGE CLINTON, Vice President

Name of candidate	Conn.	Del.	Ga.	Ky.	Md.	Mass.	N.H.	N.J.	N.Y.	N.C.	Ohio	Pa.	R.I.	S.C.	Tenn.	Vt.	Va.	Total
For President:																		
James Madison, of Virginia			6	7	9			8	13	11	3	20		10	5	6	24	122
George Clinton, of New York									6									6
Charles C. Pinckney, of South Carolina	9	3			2	19	7			3			4					47
For Vice President:																		
George Clinton, of New York			6	7	9			8	13	11		20		10	5		24	113
James Madison, of Virginia									3									3
James Monroe, of Virginia									3									3
John Langdon, of New Hampshire											3					6		9
Rufus King, of New York	9	3			2	19	7			3			4					47
Total electoral vote	9	3	6	7	11	19	7	8	19	14	3	20	4	10	5	6	24	175

907

ELECTION FOR THE SEVENTH TERM, 1813–1817

JAMES MADISON, President; ELBRIDGE GERRY, Vice President

Name of candidate	Conn.	Del.	Ga.	Ky.	La.	Md.	Mass.	N.H.	N.J.	N.Y.	N.C.	Ohio	Pa.	R.I.	S.C.	Tenn.	Vt.	Va.	Total
For President:																			
James Madison, of Virginia			8	12	3	6					15	7	25		11	8	8	25	128
De Witt Clinton, of New York	9	4				5	22	8	8	29				4					89
For Vice President:																			
Elbridge Gerry, of Massachusetts			8	12	3	6	2	1			15	7	25		11	8	8	25	131
Jared Ingersoll, of Pennsylvania	9	4				5	20	7	8	29				4					86
Total electoral vote	9	4	8	12	3	11	22	8	8	29	15	7	25	4	11	8	8	25	217

908

ELECTION FOR THE EIGHTH TERM, 1817–1821

JAMES MONROE, President; DANIEL D. TOMPKINS, Vice President

Name of candidate	Conn.	Del.	Ga.	Ind.	Ky.	La.	Md.	Mass.	N.H.	N.J.	N.Y.	N.C.	Ohio	Pa.	R.I.	S.C.	Tenn.	Vt.	Va.	Total
For President:																				
James Monroe, of Virginia			8	3	12	3	8		8	8	29	15	8	25	4	11	8	8	25	183
Rufus King, of New York	9	3						22												34
For Vice President:																				
Daniel D. Tompkins, of New York			8	3	12	3	8		8	8	29	15	8	25	4	11	8	8	25	183
John E. Howard, of Maryland								22												22
James Ross, of Pennsylvania	5																			5
John Marshall, of Virginia	4																			4
Robert G. Harper, of Maryland		3																		3
Total electoral vote	9	3	8	3	12	3	8	22	8	8	29	15	8	25	4	11	8	8	25	217

909

ELECTION FOR THE NINTH TERM, 1821–1825

JAMES MONROE, President; DANIEL D. TOMPKINS, Vice President

Name of candidate	Ala.	Conn.	Del.	Ga.	Ill.	Ind.	Ky.	La.	Maine	Md.	Mass.	Miss.	Mo.	N.H.	N.J.	N.Y.	N.C.	Ohio	Pa.	R.I.	S.C.	Tenn.	Vt.	Va.	Total
For President:																									
James Monroe, of Virginia	3	9	4	8	3	3	12	3	9	11	15	2	3	7	8	29	15	8	24	4	11	7	8	25	231
John Quincy Adams, of Massachusetts														1											1
For Vice President:																									
Daniel D. Tompkins, of New York	3	9		8	3	3	12	3	9	10	7	2	3	7	8	29	15	8	24	4	11	7	8	25	218
Richard Stockton, of New Jersey											8														8
Robert G. Harper, of Maryland										1															1
Richard Rush, of Pennsylvania														1											1
Daniel Rodney, of Delaware			4																						4
Total electoral vote	3	9	4	8	3	3	12	3	9	11	15	3	3	8	8	29	15	8	25	4	11	8	8	25	*235

*The whole number of electors appointed was 235, but one elector from each of the States of Pennsylvania, Tennessee, and Mississippi, having died, the number of votes actually cast was 232.

910

ELECTION FOR THE TENTH TERM, 1825–1829

JOHN QUINCY ADAMS, President; JOHN C. CALHOUN, Vice President

Name of candidate	Ala.	Conn.	Del.	Ga.	Ill.	Ind.	Ky.	La.	Maine	Md.	Mass.	Miss.	Mo.	N.H.	N.J.	N.Y.	N.C.	Ohio	Pa.	R.I.	S.C.	Tenn.	Vt.	Va.	Total
For President:																									
Andrew Jackson, of Tennessee	5				2	5		3		7		3			8	1	15		28		11	11			*99
John Quincy Adams, of Massachusetts		8	1		1			2	9	3	15			8		26				4			7		*84
William H. Crawford, of Georgia			2	9						1						5								24	41
Henry Clay, of Kentucky							14						3			4		16							37
For Vice President:																									
John C. Calhoun, of South Carolina	5		1		3	5	7	5	9	10	15	3		7	8	29	15		28	3	11	11	7		182
Nathan Sanford, of New York							7									7		16							30
Nathaniel Macon, of North Carolina																								24	24
Andrew Jackson, of Tennessee		8								1			3	1											13
Martin Van Buren, of New York				9																					9
Henry Clay, of Kentucky			2																						2
Total electoral vote	5	8	3	9	3	5	14	5	9	11	15	3	3	8	8	36	15	16	28	4	11	11	7	24	261

*No choice for President having been made by the people, the election devolved upon the House of Representatives, and John Quincy Adams was elected, receiving the votes of thirteen States to seven for Andrew Jackson and four for William H. Crawford.

911

ELECTION FOR THE ELEVENTH TERM, 1829–1833

ANDREW JACKSON, President; JOHN C. CALHOUN, Vice President

Name of candidate	Ala.	Conn.	Del.	Ga.	Ill.	Ind.	Ky.	La.	Maine	Md.	Mass.	Miss.	Mo.	N.H.	N.J.	N.Y.	N.C.	Ohio	Pa.	R.I.	S.C.	Tenn.	Vt.	Va.	Total
For President:																									
Andrew Jackson, of Tennessee	5			9	3	5	14	5	1	5		3	3			20	15	16	28		11	11		24	178
John Quincy Adams, of Massachusetts		8	3						8	6	15			8	8	16				4			7		83
For Vice President:																									
John C. Calhoun, of South Carolina	5			2	3	5	14	5	1	5		3	3			20	15	16	28		11	11		24	171
Richard Rush, of Pennsylvania		8	3						8	6	15			8	8	16				4			7		83
William Smith, of South Carolina				7																					7
Total electoral vote	5	8	3	9	3	5	14	5	9	11	15	3	3	8	8	36	15	16	28	4	11	11	7	24	261

912

ELECTION FOR THE TWELFTH TERM, 1833–1837

ANDREW JACKSON, President; MARTIN VAN BUREN, Vice President

Name of candidate	Ala.	Conn.	Del.	Ga.	Ill.	Ind.	Ky.	La.	Maine	Md.	Mass.	Miss.	Mo.	N.H.	N.J.	N.Y.	N.C.	Ohio	Pa.	R.I.	S.C.	Tenn.	Vt.	Va.	Total
For President:																									
Andrew Jackson, of Tennessee	7			11	5	9		5	10	3		4	4	7	8	42	15	21	30			15		23	219
Henry Clay, of Kentucky		8	3				15			5	14									4					49
John Floyd, of Virginia																					11				11
William Wirt, of Maryland																							7		7
For Vice President:																									
Martin Van Buren, of New York	7			11	5	9		5	10	3		4	4	7	8	42	15	21				15		23	189
John Sergeant, of Pennsylvania		8	3				15			5	14									4					49
William Wilkins, of Pennsylvania																			30						30
Henry Lee, of Massachusetts																					11				11
Amos Ellmaker, of Pennsylvania																							7		7
Total electoral vote	7	8	3	11	5	9	15	5	10	*8	14	4	4	7	8	42	15	21	30	4	11	15	7	23	286

*Two votes were not given in Maryland.

913

ELECTION FOR THE THIRTEENTH TERM, 1837-1841

Martin Van Buren, President; Richard M. Johnson, Vice President

Name of candidate	Ala.	Ark.	Conn.	Del.	Ga.	Ill.	Ind.	Ky.	La.	Maine	Md.	Mass.	Mich.	Miss.	Mo.	N.H.	N.J.	N.Y.	N.C.	Ohio	Pa.	R.I.	S.C.	Tenn.	Vt.	Va.	Total
For President:																											
Martin Van Buren, of New York	7	3	8			5			5	10			3	4	4	7		42	15		30	4				23	170
William H. Harrison, of Ohio				3			9	15			10						8			21					7		73
Hugh L. White, of Tennessee					11																			15			26
Daniel Webster, of Massachusetts												14															14
Willie P. Mangum, of North Carolina																							11				11
For Vice President:																											
Richard M. Johnson, of Kentucky	7	3	8			5			5	10			3	4	4	7		42	15		30	4					*147
Francis Granger, of New York				3			9	15				14					8			21					7		*77
John Tyler, of Virginia					11						10												11	15			47
William Smith, of Alabama																										23	23
Total electoral vote	7	3	8	3	11	5	9	15	5	10	10	14	3	4	4	7	8	42	15	21	30	4	11	15	7	23	294

*There being no choice for Vice President by the people, the election devolved upon the Senate of the United States. Richard M. Johnson received 33 votes and Francis Granger 16 votes. Richard M. Johnson was thereupon declared elected Vice President.

ELECTION FOR THE FOURTEENTH TERM, 1841–1845

WILLIAM HENRY HARRISON,* President; JOHN TYLER, Vice President

Name of candidate	Ala.	Ark.	Conn.	Del.	Ga.	Ill.	Ind.	Ky.	La.	Maine	Md.	Mass.	Mich.	Miss.	Mo.	N.H.	N.J.	N.Y.	N.C.	Ohio	Pa.	R.I.	S.C.	Tenn.	Vt.	Va.	Total
For President:																											
William H. Harrison, of Ohio			8	3	11		9	15	5	10	10	14	3	4			8	42	15	21	30	4		15	7		234
Martin Van Buren, of New York	7	3				5									4	7							11			23	60
For Vice President:																											
John Tyler, of Virginia			8	3	11		9	15	5	10	10	14	3	4			8	42	15	21	30	4		15	7		234
R. M. Johnson, of Kentucky	7	3				5									4	7										22	48
L. W. Tazewell, of Virginia																							11				11
James K. Polk, of Tennessee																										1	1
Total electoral vote	7	3	8	3	11	5	9	15	5	10	10	14	3	4	4	7	8	42	15	21	30	4	11	15	7	23	294

*William Henry Harrison, ninth President of the United States, died at Washington, April 4, 1841. The duties of the Presidential office devolving, in this event, upon John Tyler, Vice President, he accordingly took the oath of office April 6, 1841.

ELECTION FOR THE FIFTEENTH TERM, 1845–1849

JAMES K. POLK, President; GEORGE M. DALLAS, Vice President

Name of candidate	Ala.	Ark.	Conn.	Del.	Ga.	Ill.	Ind.	Ky.	La.	Maine	Md.	Mass.	Mich.	Miss.	Mo.	N.H.	N.J.	N.Y.	N.C.	Ohio	Pa.	R.I.*	S.C.	Tenn.	Vt.	Va.	Total
For President:																											
James K. Polk, of Tennessee	9	3			10	9	12		6	9			5	6	7	6		36			26		9			17	170
Henry Clay, of Kentucky			6	3				12			8	12					7		11	23		4		13	6		105
For Vice President:																											
George M. Dallas, of Pennsylvania	9	3			10	9	12		6	9			5	6	7	6		36			26		9			17	170
Theodore Frelinghuysen, of New Jersey			6	3				12			8	12					7		11	23		4		13	6		105
Total electoral vote	9	3	6	3	10	9	12	12	6	9	8	12	5	6	7	6	7	36	11	23	26	4	9	13	6	17	275

*And Providence Plantations.

916

ELECTION FOR THE SIXTEENTH TERM, 1849-1853

ZACHARY TAYLOR,* President; MILLARD FILLMORE, Vice President

Name of candidate	Ala	Ark.	Conn.	Del.	Fla.	Ga.	Ill.	Ind.	Iowa	Ky.	La.	Maine	Md.	Mass.	Mich.	Miss.
For President:																
Zachary Taylor, of Louisiana			6	3	3	10				12	6		8	12		
Lewis Cass, of Michigan	9	3					9	12	4			9			5	6
For Vice President:																
Millard Fillmore, of New York			6	3	3	10				12	6		8	12		
W. O. Butler, of Kentucky	9	3					9	12	4			9			5	6
Total electoral vote	9	3	6	3	3	10	9	12	4	12	6	9	8	12	5	6

Name of candidate	Mo.	N.H.	N.J.	N.Y.	N.C.	Ohio	Pa.	R.I.	S.C.	Tenn.	Tex.	Vt.	Va.	Wis.	Total
For President:															
Zachary Taylor, of Louisiana			7	36	11		26	4		13		6			163
Lewis Cass, of Michigan	7	6				23			9		4		17	4	127
For Vice President:															
Millard Fillmore, of New York			7	36	11		26	4		13		6			163
W. O. Butler, of Kentucky	7	6				23			9		4		17	4	127
Total electoral vote	7	6	7	36	11	23	26	4	9	13	4	6	17	4	290

*Zachary Taylor, twelfth President of the United States, died at Washington, July 9, 1850. The duties of the Presidential office devolving, in this event, upon the Vice President, Millard Fillmore, he accordingly took the oath of office July 10, 1850.

917

ELECTION FOR THE SEVENTEENTH TERM, 1853–1857

FRANKLIN PIERCE, President; WILLIAM R. KING, Vice President

Name of candidate	Ala.	Ark.	Calif.	Conn.	Del.	Fla.	Ga.	Ill.	Ind.	Iowa	Ky.	La.	Maine	Md.	Mass.	Mich.
For President:																
Franklin Pierce, of New Hampshire	9	4	4	6	3	3	10	11	13	4		6	8	8		6
Winfield Scott, of New Jersey											12				13	
For Vice President:																
William R. King, of Alabama	9	4	4	6	3	3	10	11	13	4		6	8	8		6
William A. Graham, of North Carolina											12				13	
Total electoral vote	9	4	4	6	3	3	10	11	13	4	12	6	8	8	13	6

Name of candidate	Miss.	Mo.	N.H.	N.J.	N.Y.	N.C.	Ohio	Pa.	R.I.	S.C.	Tenn.	Tex.	Vt.	Va.	Wis.	Total
For President:																
Franklin Pierce, of New Hampshire	7	9	5	7	35	10	23	27	4	8		4		15	5	254
Winfield Scott, of New Jersey											12		5			42
For Vice President:																
William R. King, of Alabama	7	9	5	7	35	10	23	27	4	8		4		15	5	254
William A. Graham, of North Carolina											12		5			42
Total electoral vote	7	9	5	7	35	10	23	27	4	8	12	4	5	15	5	296

918

ELECTION FOR THE EIGHTEENTH TERM, 1857-1861

James Buchanan, President; John C. Breckinridge, Vice President

Name of candidate	Ala.	Ark.	Calif.	Conn.	Del.	Fla.	Ga.	Ill.	Ind.	Iowa	Ky.	La.	Maine	Md.	Mass.	Mich.
For President:																
James Buchanan, of Pennsylvania	9	4	4		3	3	10	11	13		12	6				
John C. Frémont, of California				6						4			8		13	6
Millard Fillmore, of New York														8		
For Vice President:																
John C. Breckinridge, of Kentucky	9	4	4		3	3	10	11	13		12	6				
William L. Dayton, of New Jersey				6						4			8		13	6
Andrew J. Donelson, of Tennessee														8		
Total electoral vote	9	4	4	6	3	3	10	11	13	4	12	6	8	8	13	6

Name of candidate	Miss.	Mo.	N.H.	N.J.	N.Y.	N.C.	Ohio	Pa.	R.I.	S.C.	Tenn	Tex.	Vt.	Va.	Wis.	Total
For President:																
James Buchanan, of Pennsylvania	7	9		7		10		27		8	12	4		15		174
John C. Frémont, of California			5		35		23		4				5		5	114
Millard Fillmore, of New York																8
For Vice President:																
John C. Breckinridge, of Kentucky	7	9		7		10		27		8	12	4		15		174
William L. Dayton, of New Jersey			5		35		23		4				5		5	114
Andrew J. Donelson, of Tennessee																8
Total electoral vote	7	9	5	7	35	10	23	27	4	8	12	4	5	15	5	296

919

ELECTION FOR THE NINETEENTH TERM, 1861-1865

ABRAHAM LINCOLN, President; HANNIBAL HAMLIN, Vice President

Name of candidate	Ala.	Ark.	Calif.	Conn.	Del.	Fla.	Ga.	Ill.	Ind.	Iowa	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.
For President:																	
Abraham Lincoln, of Illinois			4	6				11	13	4			8		13	6	4
John C. Breckinridge, of Kentucky	9	4			3	3	10					6		8			
John Bell, of Tennessee											12						
Stephen A. Douglas, of Illinois																	
For Vice President:																	
Hannibal Hamlin, of Maine			4	6				11	13	4			8		13	6	4
Joseph Lane, of Oregon	9	4			3	3	10					6		8			
Edward Everett, of Massachusetts											12						
Herschel V. Johnson, of Georgia																	
Total electoral vote	9	4	4	6	3	3	10	11	13	4	12	6	8	8	13	6	4

Name of candidate	Miss.	Mo.	N.H.	N.J.	N.Y.	N.C.	Ohio	Oreg.	Pa.	R.I.	S.C.	Tenn.	Texas	Vt.	Va.	Wis.	Total
For President:																	
Abraham Lincoln, of Illinois			5	4	35		23	3	27	4				5		5	180
John C. Breckinridge, of Kentucky	7					10					8		4				72
John Bell, of Tennessee												12			15		39
Stephen A. Douglas, of Illinois		9		3													12
For Vice President:																	
Hannibal Hamlin, of Maine			5	4	35		23	3	27	4				5		5	180
Joseph Lane, of Oregon	7					10					8		4				72
Edward Everett, of Massachusetts												12			15		39
Herschel V. Johnson, of Georgia		9		3													12
Total electoral vote	7	9	5	7	35	10	23	3	27	4	8	12	4	5	15	5	303

920

ELECTION FOR THE TWENTIETH TERM, 1865–1869

ABRAHAM LINCOLN,* President; ANDREW JOHNSON, Vice President

Name of candidate	Ala.	Ark.	Calif.	Conn.	Del.	Fla.	Ga.	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.
For President:																			
Abraham Lincoln, of Illinois			5	6				16	13	8	3			7	7	12	8	4	
George B. McClellan, of New Jersey					3							11							
For Vice President:																			
Andrew Johnson, of Tennessee			5	6				16	13	8	3			7	7	12	8	4	
George H. Pendleton, of Ohio					3							11							
Total electoral vote			5	6	3			16	13	8	3	11		7	7	12	8	4	

Name of candidate	Mo.	Nev.	N.H.	N.J.	N.Y.	N.C.	Ohio	Oreg.	Pa.	R.I.	S.C.	Tenn.	Tex.	Vt.	Va.	W. Va.	Wis.	Total
For President:																		
Abraham Lincoln, of Illinois	11	2	5		33		21	3	26	4				5		5	8	212
George B. McClellan, of New Jersey				7														21
For Vice President:																		
Andrew Johnson, of Tennessee	11	2	5		33		21	3	26	4				5		5	8	212
George H. Pendleton, of Ohio				7														21
Total electoral vote	11	2	5	7	33		21	3	26	4				5		5	8	233

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*Abraham Lincoln, the sixteenth President of the United States, was shot by an assassin on the night of April 14, 1865, and died the following morning. The duties of the Presidential office devolving, in this event, upon the Vice President, Andrew Johnson, he accordingly took the oath of office April 15, 1865.

921

ELECTION FOR THE TWENTY-FIRST TERM, 1869-1873

ULYSSES S. GRANT, President; SCHUYLER COLFAX, Vice President

Name of candidate	Ala.	Ark.	Calif.	Conn.	Del.	Fla.	Ga.	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.	Mo.
For President:																				
Ulysses S. Grant, of Illinois	8	5	5	6		3		16	13	8	3			7		12	8	4		11
Horatio Seymour, of New York					3		9					11	7		7					
For Vice President:																				
Schuyler Colfax, of Indiana	8	5	5	6		3		16	13	8	3			7		12	8	4		11
Francis P. Blair, Jr., of Missouri					3		9					11	7		7					
Total electoral vote	8	5	5	6	3	3	9	16	13	8	3	11	7	7	7	12	8	4		11

Name of candidate	Nebr.	Nev.	N.H.	N.J.	N.Y.	N.C.	Ohio	Oreg.	Pa.	R.I.	S.C.	Tenn.	Tex.	Vt.	Va.	W. Va.	Wis.	Total, excluding vote of Georgia	Total, including vote of Georgia
For President:																			
Ulysses S. Grant, of Illinois	3	3	5			9	21		26	4	6	10		5		5	8	214	214
Horatio Seymour, of New York				7	33			3										71	80
For Vice President:																			
Schuyler Colfax, of Indiana	3	3	5			9	21		26	4	6	10		5		5	8	214	214
Francis P. Blair, Jr., of Missouri				7	33			3										71	80
Total electoral vote	3	3	5	7	33	9	21	3	26	4	6	10		5		5	8	285	29

ELECTION FOR THE TWENTY-SECOND TERM, 1873–1877

ULYSSES S. GRANT, President; HENRY WILSON,* Vice President

Name of candidate	Ala.	Ark.	Calif.	Conn.	Del.	Fla.	Ga.	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.
For President:																			
Ulysses S. Grant, of Illinois	10		6	6	3	4		21	15	11	5			7		13	11	5	8
Horace Greeley, of New York							(†)												
B. Gratz Brown, of Missouri							6					4							
Thomas A. Hendricks, of Indiana												8			8				
Charles J. Jenkins, of Georgia							2												
David Davis, of Illinois																			
For Vice President:																			
Henry Wilson, of Massachusetts	10		6	6	3	4		21	15	11	5			7		13	11	5	8
B. Gratz Brown, of Missouri							5					8			8				
N. P. Banks, of Massachusetts							1												
George W. Julian, of Indiana																			
Alfred H. Colquitt, of Georgia							5												
John M. Palmer, of Illinois																			
Thomas E. Bramlette, of Kentucky												3							
William S. Groesbeck, of Ohio																			
Willis B. Machen, of Kentucky												1							
Total electoral vote	10		6	6	3	4	11	21	15	11	5	12		7	8	13	11	5	8

*Died in the Capitol, Washington, D.C., November 22, 1875, aged 68 years.

†By resolution of the House, 3 votes cast for Horace Greeley were not counted.

Name of candidate	Mo.	Nebr.	Nev.	N.H.	N.J.	N.Y.	N.C.	Ohio	Oreg.	Pa.	R.I.	S.C.	Tenn.	Tex.	Vt.	Va.	W. Va.	Wis.	Total
For President:																			
Ulysses S. Grant, of Illinois		3	3	5	9	35	10	22	3	29	4	7			5	11	5	10	286
Horace Greeley, of New York																			
B. Gratz Brown, of Missouri	8																		18
Thomas A. Hendricks, of Indiana	6												12	8					42
Charles J. Jenkins, of Georgia																			2
David Davis, of Illinois	1																		1
For Vice President:																			
Henry Wilson, of Massachusetts		3	3	5	9	35	10	22	3	29	4	7			5	11	5	10	286
B. Gratz Brown, of Missouri	6												12	8					47
N. P. Banks, of Massachusetts																			1
George W. Julian, of Indiana	5																		5
Alfred H. Colquitt, of Georgia																			5
John M. Palmer, of Illinois	3																		3
Thomas E. Bramlette, of Kentucky																			3
William S. Groesbeck, of Ohio	1																		1
Willis B. Machen, of Kentucky																			1
Total electoral vote	15	3	3	5	9	35	10	22	3	29	4	7	12	8	5	11	5	10	352

923

ELECTION FOR THE TWENTY-THIRD TERM, 1877-1881

Rutherford B. Hayes, President; William A. Wheeler, Vice President

Name of candidate	Ala.	Ark.	Calif.	Colo.	Conn.	Del.	Fla.	Ga.	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.
For President:																				
Rutherford B. Hayes, of Ohio			6	3			4		21		11	5		8	7		13	11	5	
Samuel J. Tilden, of New York	10	6			6	3		11		15			12			8				8
For Vice President:																				
William A. Wheeler, of New York			6	3			4		21		11	5		8	7		13	11	5	
Thomas A. Hendricks, of Indiana	10	6			6	3		11		15			12			8				8
Total electoral vote	10	6	6	3	6	3	4	11	21	15	11	5	12	8	7	8	13	11	5	8

Name of candidate	Mo.	Nebr.	Nev.	N.H.	N.J.	N.Y.	N.C.	Ohio	Oreg.	Pa.	R.I.	S.C.	Tenn.	Tex.	Vt.	Va.	W. Va.	Wis.	Total
For President:																			
Rutherford B. Hayes, of Ohio		3	3	5				22	3	29	4	7			5			10	185
Samuel J. Tilden, of New York	15				9	35	10						12	8		11	5		184
For Vice President:																			
William A. Wheeler, of New York		3	3	5				22	3	29	4	7			5			10	185
Thomas A. Hendricks, of Indiana	15				9	35	10						12	8		11	5		184
Total electoral vote	15	3	3	5	9	35	10	22	3	29	4	7	12	8	5	11	5	10	369

ELECTION FOR THE TWENTY-FOURTH TERM, 1881-1885

JAMES A. GARFIELD,* President; CHESTER A. ARTHUR, Vice President

Name of candidate	Ala.	Ark.	Calif.	Colo.	Conn.	Del.	Fla.	Ga.	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.
For President:																				
James A. Garfield, of Ohio			1	3	6				21	15	11	5			7		13	11	5	
Winfield S. Hancock, of Pennsylvania	10	6	5			3	4	11					12	8		8				8
For Vice President:																				
Chester A. Arthur, of New York			1	3	6				21	15	11	5			7		13	11	5	
William H. English, of Indiana	10	6	5			3	4	11					12	8		8				8
Total electoral vote	10	6	6	3	6	3	4	11	21	15	11	5	12	8	7	8	13	11	5	8

Name of candidate	Mo.	Nebr.	Nev.	N.H.	N.J.	N.Y.	N.C.	Ohio	Oreg.	Pa.	R.I.	S.C.	Tenn.	Tex.	Vt.	Va.	W. Va.	Wis.	Total
For President:																			
James A. Garfield, of Ohio		3		5		35		22	3	29	4				5			10	214
Winfield S. Hancock, of Pennsylvania	15		3		9		10					7	12	8		11	5		†155
For Vice President:																			
Chester A. Arthur, of New York		3		5		35		22	3	29	4				5			10	214
William H. English, of Indiana	15		3		9		10					7	12	8		11	5		†155
Total electoral vote	15	3	3	5	9	35	10	22	3	29	4	7	12	8	5	11	5	10	369

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*James A. Garfield, the twentieth President of the United States, was shot by an assassin July 2, 1881, and died from the effects of his wounds September 19, 1881. The duties of the Presidential office devolving, in this event, upon the Vice President, Chester A. Arthur, he accordingly took the oath of office in New York City, September 20, 1881, and again formally took the oath of office at Washington, September 22, 1881.

†The vote of Georgia, cast on the 8th of December, second Wednesday of the month, if not counted would reduce this total to 144.

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ELECTION FOR THE TWENTY-FIFTH TERM, 1885–1889

GROVER CLEVELAND, President; THOMAS A. HENDRICKS,* Vice President

Name of candidate	Ala.	Ark.	Calif.	Colo.	Conn.	Del.	Fla.	Ga.	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.
For President:																				
Grover Cleveland, of New York	10	7			6	3	4	12		15			13	8		8				9
James G. Blaine, of Maine			8	3					22		13	9			6		14	13	7	
For Vice President:																				
Thomas A. Hendricks, of Indiana	10	7			6	3	4	12		15			13	8		8				9
John A. Logan, of Illinois			8	3					22		13	9			6		14	13	7	
Total electoral vote	10	7	8	3	6	3	4	12	22	15	13	9	13	8	6	8	14	13	7	9

Name of candidate	Mo.	Nebr.	Nev.	N.H.	N.J.	N.Y.	N.C.	Ohio	Oreg.	Pa.	R.I.	S.C.	Tenn.	Tex.	Vt.	Va.	W. Va.	Wis.	Total
For President:																			
Grover Cleveland, of New York	16				9	36	11					9	12	13		12	6		219
James G. Blaine, of Maine		5	3	4				23	3	30	4				4			11	182
For Vice President:																			
Thomas A. Hendricks, of Indiana	16				9	36	11					9	12	13		12	6		219
John A. Logan, of Illinois		5	3	4				23	3	30	4				4			11	182
Total electoral vote	16	5	3	4	9	36	11	23	3	30	4	9	12	13	4	12	6	11	401

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*Thomas A. Hendricks died at Indianapolis, Ind., Nov. 25, 1885, aged 66 years.

926

ELECTION FOR THE TWENTY-SIXTH TERM, 1889-1893

BENJAMIN HARRISON, President; LEVI P. MORTON, Vice President

Name of candidate	Ala.	Ark.	Calif.	Colo.	Conn.	Del	Fla.	Ga.	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.
For President:																				
Benjamin Harrison, of Indiana			8	3					22	15	13	9			6		14	13	7	
Grover Cleveland, of New York	10	7			6	3	4	12					13	8		8				9
For Vice President:																				
Levi P. Morton, of New York			8	3					22	15	13	9			6		14	13	7	
Allen G. Thurman, of Ohio	10	7			6	3	4	12					13	8		8				9
Total electoral vote	10	7	8	3	6	3	4	12	22	15	13	9	13	8	6	8	14	13	7	9

Name of candidate	Mo.	Nebr.	Nev.	N.H.	N.J.	N.Y.	N.C.	Ohio	Oreg.	Pa.	R.I.	S.C.	Tenn.	Tex.	Vt.	Va.	W. Va.	Wis.	Total
For President:																			
Benjamin Harrison, of Indiana		5	3	4		36		23	3	30	4				4			11	233
Grover Cleveland, of New York	16				9		11					9	12	13		12	6		168
For Vice President:																			
Levi P. Morton, of New York		5	3	4		36		23	3	30	4				4			11	233
Allen G. Thurman, of Ohio	16				9		11					9	12	13		12	6		168
Total electoral vote	16	5	3	4	9	36	11	23	3	30	4	9	12	13	4	12	6	11	401

ELECTION FOR THE TWENTY-SEVENTH TERM, 1893–1897

GROVER CLEVELAND, President; ADLAI E. STEVENSON, Vice President

Name of candidate	Ala.	Ark.	Calif.	Colo.	Conn.	Del.	Fla.	Ga.	Idaho	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.	Mo.	Mont.
For President:																							
Grover Cleveland, of New York	11	8	8		6	3	4	13		24	15			13	8		8		5		9	17	
Benjamin Harrison, of Indiana			1									13				6		15	9	9			3
James B. Weaver, of Iowa				4					3				10										
For Vice President:																							
Adlai E. Stevenson, of Illinois	11	8	8		6	3	4	13		24	15			13	8		8		5		9	17	
Whitelaw Reid, of New York			1									13				6		15	9	9			3
James G. Field, of Virginia				4					3				10										
Total electoral vote	11	8	9	4	6	3	4	13	3	24	15	13	10	13	8	6	8	15	14	9	9	17	3

Name of candidate	Nebr.	Nev.	N.H.	N.J.	N.Y.	N.C.	N. Dak.	Ohio	Oreg.	Pa.	R.I.	S.C.	S. Dak.	Tenn.	Tex.	Vt.	Va.	Wash.	W. Va.	Wis.	Wyo.	Total
For President:																						
Grover Cleveland, of New York				10	36	11	1	1				9		12	15		12		6	12		277
Benjamin Harrison, of Indiana	8		4				1	22	3	32	4		4			4		4			3	145
James B. Weaver, of Iowa		3					1		1													22
For Vice President:																						
Adlai E. Stevenson, of Illinois				10	36	11	1	1				9		12	15		12		6	12		277
Whitelaw Reid, of New York	8		4				1	22	3	32	4		4			4		4			3	145
James G. Field, of Virginia		3					1		1													22
Total electoral vote	8	3	4	10	36	11	3	23	4	32	4	9	4	12	15	4	12	4	6	12	3	444

ELECTION FOR THE TWENTY-EIGHTH TERM, 1897-1901

WILLIAM MCKINLEY, President; GARRET A. HOBART,* Vice President

Name of candidate	Ala.	Ark.	Calif.	Colo.	Conn.	Del.	Fla.	Ga.	Idaho	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.	Mo.	Mont.
For President:																							
William McKinley, of Ohio			8		6	3				24	15	13		12		6	8	15	14	9			
William J. Bryan, of Nebraska	11	8	1	4			4	13	3				10	1	8						9	17	3
For Vice President:																							
Garret A. Hobart, of New Jersey			8		6	3				24	15	13		12		6	8	15	14	9			
Arthur Sewall, of Maine	11	5	1	4			4	13	3				10	1	4						9	13	2
Thomas E. Watson, of Georgia		3													4							4	1
Total electoral vote	11	8	9	4	6	3	4	13	3	24	15	13	10	13	8	6	8	15	14	9	9	17	3

Name of candidate	Nebr.	Nev.	N.H.	N.J.	N.Y.	N.C.	N. Dak.	Ohio	Oreg.	Pa.	R.I.	S.C.	S. Dak.	Tenn.	Tex.	Utah	Vt.	Va.	Wash.	W. Va.	Wis.	Wyo.	Total
For President:																							
William McKinley, of Ohio			4	10	36		3	23	4	32	4						4			6	12		271
William J. Bryan, of Nebraska	8	3				11						9	4	12	15	3		12	4			3	176
For Vice President:																							
Garret A. Hobart, of New Jersey			4	10	36		3	23	4	32	4						4			6	12		271
Arthur Sewall, of Maine	4	3				6						9	2	12	15	2		12	2			2	149
Thomas E. Watson, of Georgia	4					5							2			1			2			1	27
Total electoral vote	8	3	4	10	36	11	3	23	4	32	4	9	4	12	15	3	4	12	4	6	12	3	447

*Garret A. Hobart died at Paterson, N.J., Nov. 21, 1899, aged 55 years.

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ELECTION FOR THE TWENTY-NINTH TERM, 1901–1905

William McKinley,* President; Theodore Roosevelt, Vice President

Name of candidate	Ala.	Ark.	Calif.	Colo.	Conn.	Del.	Fla.	Ga.	Idaho	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich	Minn.	Miss.	Mo.	Mont.
For President:																							
William McKinley, of Ohio			9		6	3				24	15	13	10			6	8	15	14	9			
William J. Bryan, of Nebraska	11	8		4			4	13	3					13	8						9	17	3
For Vice President:																							
Theodore Roosevelt, of New York			9		6	3				24	15	13	10			6	8	15	14	9			
Adlai E. Stevenson, of Illinois	11	8		4			4	13	3					13	8						9	17	3
Total electoral vote	11	8	9	4	6	3	4	13	3	24	15	13	10	13	8	6	8	15	14	9	9	17	3

Name of candidate	Nebr.	Nev.	N.H.	N.J.	N.Y.	N.C.	N. Dak.	Ohio	Oreg.	Pa.	R.I.	S.C.	S. Dak.	Tenn.	Tex.	Utah	Vt.	Va.	Wash.	W. Va.	Wis.	Wyo.	Total
For President:																							
William McKinley, of Ohio	8		4	10	36		3	23	4	32	4		4			3	4		4	6	12	3	292
William J. Bryan, of Nebraska		3				11						9		12	15			12					155
For Vice President:																							
Theodore Roosevelt, of New York	8		4	10	36		3	23	4	32	4		4			3	4		4	6	12	3	292
Adlai E. Stevenson, of Illinois		3				11						9		12	15			12					155
Total electoral vote	8	3	4	10	36	11	3	23	4	32	4	9	4	12	15	3	4	12	4	6	12	3	447

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*William McKinley, the twenty-fourth President of the United States, was shot by an assassin Sept. 6, 1901, and died Sept. 14, 1901. The duties of the Presidential office devolving, in this event, upon the Vice President, Theodore Roosevelt, he accordingly took the oath of office at Buffalo, N.Y., on Sept. 14, 1901.

ELECTION FOR THE THIRTIETH TERM, 1905–1909

THEODORE ROOSEVELT, President; CHARLES WARREN FAIRBANKS, Vice President

Name of candidate	Ala.	Ark.	Calif.	Colo.	Conn.	Del.	Fla.	Ga.	Idaho	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.	Mo.	Mont.
For President:																							
Theodore Roosevelt, of New York			10	5	7	3			3	27	15	13	10			6	1	16	14	11		18	3
Alton B. Parker, of New York	11	9					5	13						13	9		7				10		
For Vice President:																							
Charles W. Fairbanks, of Indiana			10	5	7	3			3	27	15	13	10			6	1	16	14	11		18	3
Henry G. Davis, of West Virginia	11	9					5	13						13	9		7				10		
Total electoral vote	11	9	10	5	7	3	5	13	3	27	15	13	10	13	9	6	8	16	14	11	10	18	3

Name of candidate	Nebr.	Nev.	N.H.	N.J.	N.Y.	N.C.	N. Dak.	Ohio	Oreg.	Pa.	R.I.	S.C.	S. Dak.	Tenn.	Tex.	Utah	Vt.	Va.	Wash.	W. Va.	Wis.	Wyo.	Total
For President:																							
Theodore Roosevelt, of New York	8	3	4	12	39		4	23	4	34	4		4			3	4		5	7	13	3	336
Alton B. Parker, of New York						12						9		12	18			12					140
For Vice President:																							
Charles W. Fairbanks, of Indiana	8	3	4	12	39		4	23	4	34	4		4			3	4		5	7	13	3	336
Henry G. Davis, of West Virginia						12						9		12	18			12					140
Total electoral vote	8	3	4	12	39	12	4	23	4	34	4	9	4	12	18	3	4	12	5	7	13	3	476

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ELECTION FOR THE THIRTY-FIRST TERM, 1909-1913

WILLIAM HOWARD TAFT, President; JAMES SCHOOLCRAFT SHERMAN,* Vice President

Name of candidate	Ala.	Ark.	Calif.	Colo.	Conn.	Del.	Fla.	Ga.	Idaho	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.	Mo.	Mont.
For President:																							
William H. Taft, of Ohio			10		7	3			3	27	15	13	10			6	2	16	14	11		18	3
William J. Bryan, of Nebraska	11	9		5			5	13						13	9		6				10		
For Vice President:																							
James S. Sherman, of New York			10		7	3			3	27	15	13	10			6	2	16	14	11		18	3
John W. Kern, of Indiana	11	9		5			5	13						13	9		6				10		
Total electoral vote	11	9	10	5	7	3	5	13	3	27	15	13	10	13	9	6	8	16	14	11	10	18	3

Name of candidate	Nebr.	Nev.	N.H.	N.J.	N.Y.	N.C.	N. Dak.	Ohio	Okla.	Oreg.	Pa.	R.I.	S.C.	S. Dak.	Tenn.	Tex.	Utah	Vt.	Va.	Wash.	W. Va.	Wis.	Wyo.	Total
For President:																								
William H. Taft, of Ohio			4	12	39		4	23		4	34	4		4			3	4		5	7	13	3	321
William J. Bryan, of Nebraska	8	3				12			7				9		12	18			12					162
For Vice President:																								
James S. Sherman, of New York			4	12	39		4	23		4	34	4		4			3	4		5	7	13	3	321
John W. Kern, of Indiana	8	3				12			7				9		12	18			12					162
Total electoral vote	8	3	4	12	39	12	4	23	7	4	34	4	9	4	12	18	3	4	12	5	7	13	3	483

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*James S. Sherman died at Utica, N.Y., Oct. 30, 1912, aged 57 years.

ELECTION FOR THE THIRTY-SECOND TERM, 1913–1917

WOODROW WILSON, President; THOMAS RILEY MARSHALL, Vice President

Name of candidate	Ala.	Ariz.	Ark.	Calif.	Colo.	Conn.	Del.	Fla.	Ga.	Idaho	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.	Mo.	Mont.	Neb.
For President:																									
Woodrow Wilson, of New Jersey	12	3	9	2	6	7	3	6	14	4	29	15	13	10	13	10	6	8	18			10	18	4	8
Theodore Roosevelt, of New York				11																15	12				
William H. Taft, of Ohio																									
For Vice President:																									
Thomas R. Marshall, of Indiana	12	3	9	2	6	7	3	6	14	4	29	15	13	10	13	10	6	8	18			10	18	4	8
Hiram W. Johnson, of California				11																15	12				
Nicholas M. Butler,* of New York																									
Total electoral vote	12	3	9	13	6	7	3	6	14	4	29	15	13	10	13	10	6	8	18	15	12	10	18	4	8

Name of candidate	Nev.	N.H.	N.J.	N. Mex.	N.Y.	N.C.	N. Dak.	Ohio	Okla.	Oreg.	Pa.	R.I.	S.C.	S. Dak.	Tenn.	Tex.	Utah	Vt.	Va.	Wash.	W. Va.	Wis.	Wyo.	Total
For President:																								
Woodrow Wilson, of New Jersey	3	4	14	3	45	12	5	24	10	5		5	9		12	20			12		8	13	3	435
Theodore Roosevelt, of New York											38			5						7				88
William H. Taft, of Ohio																	4	4						8
For Vice President:																								
Thomas R. Marshall, of Indiana	3	4	14	3	45	12	5	24	10	5		5	9		12	20			12		8	13	3	435
Hiram W. Johnson, of California											38			5						7				88
Nicholas M. Butler,* of New York																	4	4						8
Total electoral vote	3	4	14	3	45	12	5	24	10	5	38	5	9	5	12	20	4	4	12	7	8	13	3	531

*After the election, was selected to receive the electoral votes of the States of Utah and Vermont owing to the death of James S. Sherman.

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ELECTION FOR THE THIRTY-THIRD TERM, 1917-1921

WOODROW WILSON, President; THOMAS RILEY MARSHALL, Vice President

Name of candidate	Ala.	Ariz.	Ark.	Calif.	Colo.	Conn.	Del.	Fla.	Ga.	Idaho	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.	Mo.	Mont.
For President:																								
Woodrow Wilson, of New Jersey	12	3	9	13	6			6	14	4				10	13	10		8				10	18	4
Charles E. Hughes, of New York						7	3				29	15	13				6		18	15	12			
For Vice President:																								
Thomas R. Marshall, of Indiana	12	3	9	13	6			6	14	4				10	13	10		8				10	18	4
Charles W. Fairbanks, of Indiana						7	3				29	15	13				6		18	15	12			
Total electoral vote	12	3	9	13	6	7	3	6	14	4	29	15	13	10	13	10	6	8	18	15	12	10	18	4

Name of Candidate	Nebr.	Nev.	N.H.	N.J.	N. Mex.	N.Y.	N.C.	N. Dak.	Ohio	Okla.	Oreg.	Pa.	R.I.	S.C.	S. Dak.	Tenn.	Tex.	Utah	Vt.	Va.	Wash.	W. Va.	Wis.	Wyo.	Total
For President:																									
Woodrow Wilson, of New Jersey	8	3	4		3		12	5	24	10				9		12	20	4		12	7	1		3	277
Charles E. Hughes, of New York				14		45					5	38	5		5				4			7	13		254
For Vice President:																									
Thomas R. Marshall, of Indiana	8	3	4		3		12	5	24	10				9		12	20	4		12	7	1		3	277
Charles W. Fairbanks, of Indiana				14		45					5	38	5		5				4			7	13		254
Total electoral vote	8	3	4	14	3	45	12	5	24	10	5	38	5	9	5	12	20	4	4	12	7	8	13	3	531

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ELECTION FOR THE THIRTY-FOURTH TERM, 1921-1925

WARREN G. HARDING,* President; CALVIN COOLIDGE, Vice President

Name of candidate	Ala.	Ariz.	Ark.	Calif.	Colo.	Conn.	Del.	Fla.	Ga.	Idaho	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.	Mo.	Mont.	Nebr.
For President:																									
Warren G. Harding, of Ohio		3		13	6	7	3			4	29	15	13	10			6	8	18	15	12		18	4	8
James M. Cox, of Ohio	12		9					6	14						13	10						10			
For Vice President:																									
Calvin Coolidge, of Massachusetts		3		13	6	7	3			4	29	15	13	10			6	8	18	15	12		18	4	8
Franklin D. Roosevelt, of New York	12		9					6	14						13	10						10			
Total electoral vote	12	3	9	13	6	7	3	6	14	4	29	15	13	10	13	10	6	8	18	15	12	10	18	4	8

Name of candidate	Nev.	N.H.	N.J.	N. Mex.	N.Y.	N.C.	N. Dak.	Ohio	Okla.	Oreg.	Pa.	R.I.	S.C.	S. Dak.	Tenn.	Tex.	Utah	Vt.	Va.	Wash.	W. Va.	Wis.	Wyo.	Total
For President:																								
Warren G. Harding, of Ohio	3	4	14	3	45		5	24	10	5	38	5		5	12		4	4		7	8	13	3	404
James M. Cox, of Ohio						12							9			20			12					127
For Vice President:																								
Calvin Coolidge, of Massachusetts	3	4	14	3	45		5	24	10	5	38	5		5	12		4	4		7	8	13	3	404
Franklin D. Roosevelt, of New York						12							9			20			12					127
Total electoral vote	3	4	14	3	45	12	5	24	10	5	38	5	9	5	12	20	4	4	12	7	8	13	3	531

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*Warren G. Harding, the twenty-eighth President of the United States, died on Aug. 2, 1923. The duties of the Presidential office devolving, in this event, upon the Vice President, Calvin Coolidge, he accordingly took the oath of office at Plymouth, Vt., on Aug. 3, 1923.

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ELECTION FOR THE THIRTY-FIFTH TERM, 1925–1929

CALVIN COOLIDGE, President; CHARLES G. DAWES, Vice President

Name of candidate	Ala.	Ariz.	Ark.	Calif.	Colo.	Conn.	Del.	Fla.	Ga.	Idaho	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.	Mo.	Mont.	Nebr.
For President:																									
Calvin Coolidge, of Massachusetts		3		13	6	7	3			4	29	15	13	10	13		6	8	18	15	12		18	4	8
John W. Davis, of West Virginia	12		9					6	14							10						10			
Robert M. La Follette, of Wisconsin																									
For Vice President:																									
Charles G. Dawes, of Illinois		3		13	6	7	3			4	29	15	13	10	13		6	8	18	15	12		18	4	8
Charles W. Bryan, of Nebraska	12		9					6	14							10						10			
Burton K. Wheeler, of Montana																									
Total electoral vote	12	3	9	13	6	7	3	6	14	4	29	15	13	10	13	10	6	8	18	15	12	10	18	4	8

Name of candidate	Nev.	N.H.	N.J.	N. Mex.	N.Y.	N.C.	N. Dak.	Ohio	Okla.	Oreg.	Pa.	R.I.	S.C.	S. Dak.	Tenn.	Tex.	Utah	Vt.	Va.	Wash.	W. Va.	Wis.	Wyo.	Total
For President:																								
Calvin Coolidge, of Massachusetts	3	4	14	3	45		5	24		5	38	5		5			4	4		7	8		3	382
John W. Davis, of West Virginia						12			10				9		12	20			12					136
Robert M. La Follette, of Wisconsin																						13		13
For Vice President:																								
Charles G. Dawes, of Illinois	3	4	14	3	45		5	24		5	38	5		5			4	4		7	8		3	382
Charles W. Bryan, of Nebraska						12			10				9		12	20			12					136
Burton K. Wheeler, of Montana																						13		13
Total electoral vote	3	4	14	3	45	12	5	24	10	5	38	5	9	5	12	20	4	4	12	7	8	13	3	531

ELECTION FOR THE THIRTY-SIXTH TERM, 1929–1933

HERBERT C. HOOVER, President; CHARLES CURTIS, Vice President

Name of candidate	Ala.	Ariz.	Ark.	Calif.	Colo.	Conn.	Del.	Fla.	Ga.	Idaho	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.	Mo.	Mont.	Nebr.
For President:																									
Herbert C. Hoover, of California		3		13	6	7	3	6		4	29	15	13	10	13		6	8		15	12		18	4	8
Alfred E. Smith, of New York	12		9						14							10			18			10			
For Vice President:																									
Charles Curtis, of Kansas		3		13	6	7	3	6		4	29	15	13	10	13		6	8		15	12		18	4	8
Joseph T. Robinson, of Arkansas	12		9						14							10			18			10			
Total electoral vote	12	3	9	13	6	7	3	6	14	4	29	15	13	10	13	10	6	8	18	15	12	10	18	4	8

Name of candidate	Nev.	N.H.	N.J.	N. Mex.	N.Y.	N.C.	N. Dak.	Ohio	Okla.	Oreg.	Pa.	R.I.	S.C.	S. Dak.	Tenn.	Tex.	Utah	Vt.	Va.	Wash.	W. Va.	Wis.	Wyo.	Total
For President:																								
Herbert C. Hoover, of California	3	4	14	3	45	12	5	24	10	5	38			5	12	20	4	4	12	7	8	13	3	444
Alfred E. Smith, of New York												5	9											87
For Vice President:																								
Charles Curtis, of Kansas	3	4	14	3	45	12	5	24	10	5	38			5	12	20	4	4	12	7	8	13	3	444
Joseph T. Robinson, of Arkansas												5	9											87
Total electoral vote	3	4	14	3	45	12	5	24	10	5	38	5	9	5	12	20	4	4	12	7	8	13	3	531

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ELECTION FOR THE THIRTY-SEVENTH TERM, 1933–1937

Franklin D. Roosevelt, President; John N. Garner, Vice President

Name of candidate	Ala.	Ariz.	Ark.	Calif.	Colo.	Conn.	Del.	Fla.	Ga.	Idaho	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.	Mo.	Mont.
For President:																								
Franklin D. Roosevelt, of New York	11	3	9	22	6			7	12	4	29	14	11	9	11	10		8	17	19	11	9	15	4
Herbert C. Hoover, of California						8	3										5							
For Vice President:																								
John N. Garner, of Texas	11	3	9	22	6			7	12	4	29	14	11	9	11	10		8	17	19	11	9	15	4
Charles Curtis, of Kansas						8	3										5							
Total electoral vote	11	3	9	22	6	8	3	7	12	4	29	14	11	9	11	10	5	8	17	19	11	9	15	4

Name of candidate	Nebr.	Nev.	N.H.	N.J.	N. Mex.	N.Y.	N.C.	N. Dak.	Ohio	Okla.	Oreg.	Pa.	R.I.	S.C.	S. Dak.	Tenn.	Tex.	Utah	Vt.	Va.	Wash.	W. Va.	Wis.	Wyo.	Total
For President:																									
Franklin D. Roosevelt, of New York	7	3		16	3	47	13	4	26	11	5		4	8	4	11	23	4		11	8	8	12	3	472
Herbert C. Hoover, of California			4									36							3						59
For Vice President:																									
John N. Garner, of Texas	7	3		16	3	47	13	4	26	11	5		4	8	4	11	23	4		11	8	8	12	3	472
Charles Curtis, of Kansas			4									36							3						59
Total electoral vote	7	3	4	16	3	47	13	4	26	11	5	36	4	8	4	11	23	4	3	11	8	8	12	3	531

ELECTION FOR THE THIRTY-EIGHTH TERM, 1937-1941

Franklin D. Roosevelt, President; John N. Garner, Vice President

Name of candidate	Ala.	Ariz.	Ark.	Calif.	Colo.	Conn.	Del.	Fla.	Ga.	Idaho	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.	Mo.	Mont.
For President:																								
Franklin D. Roosevelt, of New York	11	3	9	22	6	8	3	7	12	4	29	14	11	9	11	10		8	17	19	11	9	15	4
Alfred M. Landon, of Kansas																	5							
For Vice President:																								
John N. Garner, of Texas	11	3	9	22	6	8	3	7	12	4	29	14	11	9	11	10		8	17	19	11	9	15	4
Frank Knox, of Illinois																	5							
Total electoral vote	11	3	9	22	6	8	3	7	12	4	29	14	11	9	11	10	5	8	17	19	11	9	15	4

Name of candidate	Nebr.	Nev.	N.H.	N.J.	N. Mex.	N.Y.	N.C.	N. Dak.	Ohio	Okla.	Oreg.	Pa.	R.I.	S.C.	S. Dak.	Tenn.	Tex.	Utah	Vt.	Va.	Wash.	W. Va.	Wis.	Wyo.	Total
For President:																									
Franklin D. Roosevelt, of New York	7	3	4	16	3	47	13	4	26	11	5	36	4	8	4	11	23	4		11	8	8	12	3	523
Alfred M. Landon, of Kansas																			3						8
For Vice President:																									
John N. Garner, of Texas	7	3	4	16	3	47	13	4	26	11	5	36	4	8	4	11	23	4		11	8	8	12	3	523
Frank Knox, of Illinois																			3						8
Total electoral vote	7	3	4	16	3	47	13	4	26	11	5	36	4	8	4	11	23	4	3	11	8	8	12	3	531

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ELECTION FOR THE THIRTY-NINTH TERM, 1941–1945

Franklin D. Roosevelt, President; Henry A. Wallace, Vice President

Name of candidate	Ala.	Ariz.	Ark.	Calif.	Colo.	Conn.	Del.	Fla.	Ga.	Idaho	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.	Mo.	Mont.
For President:																								
Franklin D. Roosevelt, of New York	11	3	9	22		8	3	7	12	4	29				11	10		8	17		11	9	15	4
Wendell L. Willkie, of New York					6							14	11	9			5			19				
For Vice President:																								
Henry A. Wallace, of Iowa	11	3	9	22		8	3	7	12	4	29				11	10		8	17		11	9	15	4
Charles L. McNary, of Oregon					6							14	11	9			5			19				
Total electoral vote	11	3	9	22	6	8	3	7	12	4	29	14	11	9	11	10	5	8	17	19	11	9	15	4

Name of candidate	Nebr.	Nev.	N.H.	N.J.	N. Mex.	N.Y.	N.C.	N. Dak.	Ohio	Okla.	Oreg.	Pa.	R.I.	S.C.	S. Dak.	Tenn.	Tex.	Utah	Vt.	Va.	Wash.	W. Va.	Wis.	Wyo.	Total
For President:																									
Franklin D. Roosevelt, of New York		3	4	16	3	47	13		26	11	5	36	4	8		11	23	4		11	8	8	12	3	449
Wendell L. Willkie, of New York	7							4							4				3						82
For Vice President:																									
Henry A. Wallace, of Iowa		3	4	16	3	47	13		26	11	5	36	4	8		11	23	4		11	9	9	12	3	449
Charles L. McNary, of Oregon	7							4							4				3						82
Total electoral vote	7	3	4	16	3	47	13	4	26	11	5	36	4	8	4	11	23	4	3	11	8	8	12	3	531

ELECTION FOR THE FORTIETH TERM, 1945–1949

FRANKLIN D. ROOSEVELT,* President; HARRY S. TRUMAN, Vice President

Name of candidate	Ala.	Ariz.	Ark.	Calif.	Colo.	Conn.	Del.	Fla.	Ga.	Idaho	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.	Mo.	Mont.
For President:																								
Franklin D. Roosevelt, of New York	11	4	9	25		8	3	8	12	4	28				11	10		8	16	19	11	9	15	4
Thomas E. Dewey, of New York					6							13	10	8			5							
For Vice President:																								
Harry S. Truman, of Missouri	11	4	9	25		8	3	8	12	4	28				11	10		8	16	19	11	9	15	4
John W. Bricker, of Ohio					6							13	10	8			5							
Total electoral vote	11	4	9	25	6	8	3	8	12	4	28	13	10	8	11	10	5	8	16	19	11	9	15	4

Name of candidate	Nebr.	Nev.	N.H.	N.J.	N. Mex.	N.Y.	N.C.	N. Dak.	Ohio	Okla.	Oreg.	Pa.	R.I.	S.C.	S. Dak.	Tenn.	Tex.	Utah	Vt.	Va.	Wash.	W. Va.	Wis.	Wyo.	Total
For President:																									
Franklin D. Roosevelt, of New York		3	4	16	4	47	14			10	6	35	4	8		12	23	4		11	8	8			432
Thomas E. Dewey, of New York	6							4	25						4				3				12	3	99
For Vice President:																									
Harry S. Truman, of Missouri		3	4	16	4	47	14			10	6	35	4	8		12	23	4		11	8	8			432
John W. Bricker, of Ohio	6							4	25						4				3				12	3	99
Total electoral vote	6	3	4	16	4	47	14	4	25	10	6	35	4	8	4	12	23	4	3	11	8	8	12	3	531

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*Franklin D. Roosevelt, the thirty-first President of the United States, died on April 12, 1945. The duties of the Presidential office devolving, in this event, upon the Vice President, Harry S. Truman, he accordingly took the oath of office at Washington, D.C., on April 12, 1945.

941

ELECTION FOR THE FORTY-FIRST TERM, 1949–1953

HARRY S. TRUMAN, President; ALBEN W. BARKLEY, Vice President

Name of candidate	Ala.	Ariz.	Ark.	Calif.	Colo.	Conn.	Del.	Fla.	Ga.	Idaho	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.	Mo.	Mont.
For President:																								
Harry S. Truman, of Missouri		4	9	25	6			8	12	4	28		10		11				16		11		15	4
Thomas E. Dewey, of New York						8	3					13		8			5	8		19				
J. Strom Thurmond, of South Carolina	11															10						9		
For Vice President:																								
Alben W. Barkley, of Kentucky		4	9	25	6			8	12	4	28		10		11				16		11		15	4
Earl Warren, of California						8	3					13		8			5	8		19				
Fielding L. Wright, of Mississippi	11															10						9		
Total electoral vote	11	4	9	25	6	8	3	8	12	4	28	13	10	8	11	10	5	8	16	19	11	9	15	4

Name of candidate	Nebr.	Nev.	N.H.	N.J.	N. Mex.	N.Y.	N.C.	N. Dak.	Ohio	Okla.	Oreg.	Pa.	R.I.	S.C.	S. Dak.	Tenn.	Tex.	Utah	Vt.	Va.	Wash.	W. Va.	Wis.	Wyo.	Total
For President:																									
Harry S. Truman, of Missouri		3			4		14		25	10			4			11	23	4		11	8	8	12	3	303
Thomas E. Dewey, of New York	6		4	16		47		4			6	35			4				3						189
J. Strom Thurmond, of South Carolina														8		1									39
For Vice President:																									
Alben W. Barkley, of Kentucky		3			4		14		25	10			4			11	23	4		11	8	8	12	3	303
Earl Warren, of California	6		4	16		47		4			6	35			4				3						189
Fielding L. Wright, of Mississippi														8		1									39
Total electoral vote	6	3	4	16	4	47	14	4	25	10	6	35	4	8	4	12	23	4	3	11	8	8	12	3	531

ELECTION FOR THE FORTY-SECOND TERM, 1953-1957

DWIGHT D. EISENHOWER, President; RICHARD M. NIXON, Vice President

Name of candidate	Ala.	Ariz.	Ark.	Calif.	Colo.	Conn.	Del.	Fla.	Ga.	Idaho	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.	Mo.	Mont.
For President:																								
Dwight D. Eisenhower, of New York		4		32	6	8	3	10		4	27	13	10	8			5	9	16	20	11		13	4
Adlai Stevenson, of Illinois	11		8						12						10	10						8		
For Vice President:																								
Richard M. Nixon, of California		4		32	6	8	3	10		4	27	13	10	8			5	9	16	20	11		13	4
John Sparkman, of Alabama	11		8						12						10	10						8		
Total electoral vote	11	4	8	32	6	8	3	10	12	4	27	13	10	8	10	10	5	9	16	20	11	8	13	4

Name of candidate	Nebr.	Nev.	N.H.	N.J.	N. Mex	N.Y.	N.C.	N. Dak.	Ohio	Okla.	Oreg.	Pa.	R.I.	S.C.	S. Dak.	Tenn.	Tex.	Utah	Vt.	Va.	Wash.	W. Va.	Wis.	Wyo.	Total
For President:																									
Dwight D. Eisenhower, of New York	6	3	4	16	4	45		4	25	8	6	32	4		4	11	24	4	3	12	9		12	3	442
Adlai Stevenson, of Illinois							14							8								8			89
For Vice President:																									
Richard M. Nixon, of California	6	3	4	16	4	45		4	25	8	6	32	4		4	11	24	4	3	12	9		12	3	442
John Sparkman, of Alabama							14							8								8			89
Total electoral vote	6	3	4	16	4	45	14	4	25	8	6	32	4	8	4	11	24	4	3	12	9	8	12	3	531

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ELECTION FOR THE FORTY-THIRD TERM, 1957-1961

DWIGHT D. EISENHOWER, President; RICHARD M. NIXON, Vice President

Name of candidate	Ala.	Ariz.	Ark.	Calif.	Colo.	Conn.	Del.	Fla.	Ga.	Idaho	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.	Mo.	Mont.
For President:																								
Dwight D. Eisenhower, of Pennsylvania		4		32	6	8	3	10		4	27	13	10	8	10	10	5	9	16	20	11			4
Adlai Stevenson, of Illinois	10		8						12													8	13	
Walter B. Jones, of Alabama	1																							
For Vice President:																								
Richard M. Nixon, of California		4		32	6	8	3	10		4	27	13	10	8	10	10	5	9	16	20	11			4
Estes Kefauver, of Tennessee	10		8						12													8	13	
Herman Talmadge, of Georgia	1																							
Total electoral vote	11	4	8	32	6	8	3	10	12	4	27	13	10	8	10	10	5	9	16	20	11	8	13	4

Name of candidate	Nebr.	Nev.	N.H.	N.J.	N. Mex.	N.Y.	N.C.	N. Dak.	Ohio	Okla.	Oreg.	Pa.	R.I.	S.C.	S. Dak.	Tenn.	Tex.	Utah	Vt.	Va.	Wash.	W. Va.	Wis.	Wyo.	Total
For President:																									
Dwight D. Eisenhower, of Pennsylvania	6	3	4	16	4	45		4	25	8	6	32	4		4	11	24	4	3	12	9	8	12	3	457
Adlai Stevenson, of Illinois							14							8											73
Walter B. Jones, of Alabama																									1
For Vice President:																									
Richard M. Nixon, of California	6	3	4	16	4	45		4	25	8	6	32	4		4	11	24	4	3	12	9	8	12	3	457
Estes Kefauver, of Tennessee							14							8											73
Herman Talmadge, of Georgia																									1
Total electoral vote	6	3	4	16	4	45	14	4	25	8	6	32	4	8	4	11	24	4	3	12	9	8	12	3	531

ELECTION FOR THE FORTY-FOURTH TERM, 1961–1965

JOHN F. KENNEDY,* President; LYNDON B. JOHNSON, Vice President

Name of candidate	Ala.	Alaska	Ariz.	Ark.	Calif.	Colo.	Conn.	Del.	Fla.	Ga.	Hawaii	Idaho	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.	Mo.	Mont.
For President:																										
John F. Kennedy, of Massachusetts	5			8			8	3		12	3		27					10		9	16	20	11		13	
Richard M. Nixon, of California		3	4		32	6			10			4		13	10	8	10		5							
Harry F. Byrd, of Virginia	6																							8		
For Vice President:																										
Lyndon B. Johnson, of Texas	5			8			8	3		12	3		27					10		9	16	20	11		13	
Henry Cabot Lodge, of Massachusetts		3	4		32	6			10			4		13	10	8	10		5							4
Strom Thurmond, of South Carolina	6																							8		
Barry Goldwater, of Arizona																										
Total electoral vote	11	3	4	8	32	6	8	3	10	12	3	4	27	13	10	8	10	10	5	9	16	20	11	8	13	4

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*John F. Kennedy, the thirty-fourth President of the United States, was assassinated on November 22, 1963. The duties of the Presidential office devolving, in this event, upon the Vice President, Lyndon B. Johnson, he accordingly took the oath of office at Dallas, Tex., on November 22, 1963.

ELECTION FOR THE FORTY-FOURTH TERM, 1961-1965—Continued

JOHN F. KENNEDY,[*] President; LYNDON B. JOHNSON, Vice President

Name of candidate	Nebr.	Nev.	N.H.	N.J.	N. Mex.	N.Y.	N.C.	N. Dak.	Ohio	Okla.	Oreg.	Pa.	R.I.	S.C.	S. Dak.	Tenn.	Tex.	Utah	Vt.	Va.	Wash.	W. Va.	Wis.	Wyo.	Total
For President:																									
John F. Kennedy, of Massachusetts		3		16	4	45	14					32	4	8			24					8			303
Richard M. Nixon, of California	6		4					4	25	7	6				4	11		4	3	12	9		12	3	219
Harry F. Byrd, of Virginia										1															15
For Vice President:																									
Lyndon B. Johnson, of Texas		3		16	4	45	14					32	4	8			24					8			303
Henry Cabot Lodge, of Massachusetts	6		4					4	25	7	6				4	11		4	3	12	9		12	3	219
Strom Thurmond, of South Carolina																									14
Barry Goldwater, of Arizona										1															1
Total electoral vote	6	3	4	16	4	45	14	4	25	8	6	32	4	8	4	11	24	4	3	12	9	8	12	3	537.

ELECTION FOR THE FORTY-FIFTH TERM, 1965–1969 945

Lyndon B. Johnson, President; Hubert H. Humphrey, Vice President

State	Electoral vote of each State	For President		For Vice President	
		Lyndon B. Johnson, of Texas	Barry M. Goldwater, of Arizona	Hubert H. Humphrey, of Minnesota	William E. Miller, of New York
Alabama	10		10		10
Alaska	3	3		3	
Arizona	5		5		5
Arkansas	6	6		6	
California	40	40		40	
Colorado	6	6		6	
Connecticut	8	8		8	
Delaware	3	3		3	
District of Columbia	3	3		3	
Florida	14	14		14	
Georgia	12		12		12
Hawaii	4	4		4	
Idaho	4	4		4	
Illinois	26	26		26	
Indiana	13	13		13	
Iowa	9	9		9	
Kansas	7	7		7	
Kentucky	9	9		9	
Louisiana	10		10		10
Maine	4	4		4	
Maryland	10	10		10	
Massachusetts	14	14		14	
Michigan	21	21		21	
Minnesota	10	10		10	
Mississippi	7		7		7
Missouri	12	12		12	
Montana	4	4		4	
Nebraska	5	5		5	
Nevada	3	3		3	
New Hampshire	4	4		4	
New Jersey	17	17		17	
New Mexico	4	4		4	
New York	43	43		43	
North Carolina	13	13		13	
North Dakota	4	4		4	
Ohio	26	26		26	
Oklahoma	8	8		8	
Oregon	6	6		6	
Pennsylvania	29	29		29	
Rhode Island	4	4		4	
South Carolina	8		8		8
South Dakota	4	4		4	
Tennessee	11	11		11	
Texas	25	25		25	
Utah	4	4		4	
Vermont	3	3		3	
Virginia	12	12		12	
Washington	9	9		9	
West Virginia	7	7		7	
Wisconsin	12	12		12	
Wyoming	3	3		3	
Total	538	486	52	486	52

946 ELECTION FOR THE FORTY-SIXTH TERM, 1969–1973

RICHARD M. NIXON, President; SPIRO T. AGNEW, Vice President

State	Electoral vote of each State	For President			For Vice President		
		Richard M. Nixon, of New York	Hubert H. Humphrey, of Minnesota	George C. Wallace, of Alabama	Spiro T. Agnew, of Maryland	Edmund S. Muskie, of Maine	Curtis E. LeMay, of California
Alabama	10			10			10
Alaska	3	3			3		
Arizona	5	5			5		
Arkansas	6			6			6
California	40	40			40		
Colorado	6	6			6		
Connecticut	8		8			8	
Delaware	3	3			3		
District of Columbia	3		3			3	
Florida	14	14			14		
Georgia	12			12			12
Hawaii	4		4			4	
Idaho	4	4			4		
Illinois	26	26			26		
Indiana	13	13			13		
Iowa	9	9			9		
Kansas	7	7			7		
Kentucky	9	9			9		
Louisiana	10			10			10
Maine	4		4			4	
Maryland	10		10			10	
Massachusetts	14		14			14	
Michigan	21		21			21	
Minnesota	10		10			10	
Mississippi	7			7			7
Missouri	12	12			12		
Montana	4	4			4		
Nebraska	5	5			5		
Nevada	3	3			3		
New Hampshire	4	4			4		
New Jersey	17	17			17		
New Mexico	4	4			4		
New York	43		43			43	
North Carolina	13	12		1	12		1
North Dakota	4	4			4		
Ohio	26	26			26		
Oklahoma	8	8			8		
Oregon	6	6			6		
Pennsylvania	29		29			29	
Rhode Island	4		4			4	
South Carolina	8	8			8		
South Dakota	4	4			4		
Tennessee	11	11			11		
Texas	25		25			25	
Utah	4	4			4		
Vermont	3	3			3		
Virginia	12	12			12		
Washington	9		9			9	
West Virginia	7		7			7	
Wisconsin	12	12			12		
Wyoming	3	3			3		
Total	538	301	191	46	301	191	46

ELECTION FOR THE FORTY-SEVENTH TERM, 1973–1977 [1] 947

RICHARD M. NIXON, President; SPIRO T. AGNEW, Vice President

States	Electoral votes of each State	For President			For Vice President		
		Richard M. Nixon, of California	George McGovern, of South Dakota	John Hospers, of California	Spiro T. Agnew, of Maryland	R. Sargent Shriver, of Maryland	Theodora Nathan, of Oregon
Alabama	9	9			9		
Alaska	3	3			3		
Arizona	6	6			6		
Arkansas	6	6			6		
California	45	45			45		
Colorado	7	7			7		
Connecticut	8	8			8		
Delaware	3	3			3		
District of Columbia	3		3			3	
Florida	17	17			17		
Georgia	12	12			12		
Hawaii	4	4			4		
Idaho	4	4			4		
Illinois	26	26			26		
Indiana	13	13			13		
Iowa	8	8			8		
Kansas	7	7			7		
Kentucky	9	9			9		
Louisiana	10	10			10		
Maine	4	4			4		
Maryland	10	10			10		
Massachusetts	14		14			14	
Michigan	21	21			21		
Minnesota	10	10			10		
Mississippi	7	7			7		
Missouri	12	12			12		
Montana	4	4			4		
Nebraska	5	5			5		
Nevada	3	3			3		
New Hampshire	4	4			4		
New Jersey	17	17			17		
New Mexico	4	4			4		
New York	41	41			41		
North Carolina	13	13			13		
North Dakota	3	3			3		
Ohio	25	25			25		
Oklahoma	8	8			8		
Oregon	6	6			6		
Pennsylvania	27	27			27		
Rhode Island	4	4			4		
South Carolina	8	8			8		
South Dakota	4	4			4		
Tennessee	10	10			10		
Texas	26	26			26		
Utah	4	4			4		
Vermont	3	3			3		
Virginia	12	11		1	11		1
Washington	9	9			9		
WestVirginia	6	6			6		
Wisconsin	11	11			11		
Wyoming	3	3			3		
Total	538	520	17	1	520	17	1

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[1] Spiro T. Agnew resigned as Vice President on Oct. 10, 1973. Gerald R. Ford was sworn in as Vice President on Dec. 6, 1973. Richard M. Nixon resigned as President on Aug. 9, 1974, and Gerald R. Ford was sworn in as President on the same date. Nelson A. Rockefeller was sworn in as Vice President on Dec. 19, 1974.

948 ELECTION FOR THE FORTY-EIGHTH TERM, 1977-1981

JIMMY CARTER, President; WALTER F. MONDALE, Vice President

States	Electoral votes of each State	For President			For Vice President	
		Jimmy Carter, of Georgia	Gerald R. Ford, of Michigan	Ronald Reagan, of California	Walter F. Mondale, of Minnesota	Robert Dole, of Kansas
Alabama	9	9			9	
Alaska	3		3			3
Arizona	6		6			6
Arkansas	6	6			6	
California	45		45			45
Colorado	7		7			7
Connecticut	8		8			8
Delaware	3	3			3	
District of Columbia	3	3			3	
Florida	17	17			17	
Georgia	12	12			12	
Hawaii	4	4			4	
Idaho	4		4			4
Illinois	26		26			26
Indiana	13		13			13
Iowa	8		8			8
Kansas	7		7			7
Kentucky	9	9			9	
Louisiana	10	10			10	
Maine	4		4			4
Maryland	10	10			10	
Massachusetts	14	14			14	
Michigan	21		21			21
Minnesota	10	10			10	
Mississippi	7	7			7	
Missouri	12	12			12	
Montana	4		4			4
Nebraska	5		5			5
Nevada	3		3			3
New Hampshire	4		4			4
New Jersey	17		17			17
New Mexico	4		4			4
New York	41	41			41	
North Carolina	13	13			13	
North Dakota	3		3			3
Ohio	25	25			25	
Oklahoma	8		8			8
Oregon	6		6			6
Pennsylvania	27	27			27	
Rhode Island	4	4			4	
South Carolina	8	8			8	
South Dakota	4		4			4
Tennessee	10	10			10	
Texas	26	26			26	
Utah	4		4			4
Vermont	3		3			3
Virginia	12		12			12
Washington	9		8	1		9
West Virginia	6	6			6	
Wisconsin	11	11			11	
Wyoming	3		3			3
Total	538	297	240	1	297	241

ELECTION FOR THE FORTY-NINTH TERM, 1981-1985 949

RONALD REAGAN, President; GEORGE BUSH, Vice President

States	Electoral votes of each State	For President		For Vice President	
		Ronald Reagan, of California	Jimmy Carter, of Georgia	George Bush, of Texas	Walter F. Mondale, of Minnesota
Alabama	9	9		9	
Alaska	3	3		3	
Arizona	6	6		6	
Arkansas	6	6		6	
California	45	45		45	
Colorado	7	7		7	
Connecticut	8	8		8	
Delaware	3	3		3	
District of Columbia	3		3		3
Florida	17	17		17	
Georgia	12		12		12
Hawaii	4		4		4
Idaho	4	4		4	
Illinois	26	26		26	
Indiana	13	13		13	
Iowa	8	8		8	
Kansas	7	7		7	
Kentucky	9	9		9	
Louisiana	10	10		10	
Maine	4	4		4	
Maryland	10		10		10
Massachusetts	14	14		14	
Michigan	21	21		21	
Minnesota	10		10		10
Mississippi	7	7		7	
Missouri	12	12		12	
Montana	4	4		4	
Nebraska	5	5		5	
Nevada	3	3		3	
New Hampshire	4	4		4	
New Jersey	17	17		17	
New Mexico	4	4		4	
New York	41	41		41	
North Carolina	13	13		13	
North Dakota	3	3		3	
Ohio	25	25		25	
Oklahoma	8	8		8	
Oregon	6	6		6	
Pennsylvania	27	27		27	
Rhode Island	4		4		4
South Carolina	8	8		8	
South Dakota	4	4		4	
Tennessee	10	10		10	
Texas	26	26		26	
Utah	4	4		4	
Vermont	3	3		3	
Virginia	12	12		12	
Washington	9	9		9	
West Virginia	6		6		6
Wisconsin	11	11		11	
Wyoming	3	3		3	
Total	538	489	49	489	49

949.1 ELECTION FOR THE FIFTIETH TERM, 1985–1989

RONALD REAGAN, President; GEORGE BUSH, Vice President

States	Electoral votes of each State	For President		For Vice President	
		Ronald Reagan, of California	Walter F. Mondale, of Minnesota	George Bush, of Texas	Geraldine A. Ferraro, of New York
Alabama	9	9		9	
Alaska	3	3		3	
Arizona	7	7		7	
Arkansas	6	6		6	
California	47	47		47	
Colorado	8	8		8	
Connecticut	8	8		8	
Delaware	3	3		3	
District of Columbia	3		3		3
Florida	21	21		21	
Georgia	12	12		12	
Hawaii	4	4		4	
Idaho	4	4		4	
Illinois	24	24		24	
Indiana	12	12		12	
Iowa	8	8		8	
Kansas	7	7		7	
Kentucky	9	9		9	
Louisiana	10	10		10	
Maine	4	4		4	
Maryland	10	10		10	
Massachusetts	13	13		13	
Michigan	20	20		20	
Minnesota	10		10		10
Mississippi	7	7		7	
Missouri	11	11		11	
Montana	4	4		4	
Nebraska	5	5		5	
Nevada	4	4		4	
New Hampshire	4	4		4	
New Jersey	16	16		16	
New Mexico	5	5		5	
New York	36	36		36	
North Carolina	13	13		13	
North Dakota	3	3		3	
Ohio	23	23		23	
Oklahoma	8	8		8	
Oregon	7	7		7	
Pennsylvania	25	25		25	
Rhode Island	4	4		4	
South Carolina	8	8		8	
South Dakota	3	3		3	
Tennessee	11	11		11	
Texas	29	29		29	
Utah	5	5		5	
Vermont	3	3		3	
Virginia	12	12		12	
Washington	10	10		10	
West Virginia	6	6		6	
Wisconsin	11	11		11	
Wyoming	3	3		3	
Total	538	525	13	525	13

ELECTION FOR THE FIFTY-FIRST TERM, 1989–1993 949.2

GEORGE BUSH, President; DAN QUAYLE, Vice President

States	Electoral votes of each State	For President			For Vice President		
		George Bush	Michael S. Dukakis	Lloyd Bentsen	Dan Quayle	Lloyd Bentsen	Michael S. Dukakis
Alabama	9	9			9		
Alaska	3	3			3		
Arizona	7	7			7		
Arkansas	6	6			6		
California	47	47			47		
Colorado	8	8			8		
Connecticut	8	8			8		
Delaware	3	3			3		
District of Columbia	3		3			3	
Florida	21	21			21		
Georgia	12	12			12		
Hawaii	4		4			4	
Idaho	4	4			4		
Illinois	24	24			24		
Indiana	12	12			12		
Iowa	8		8			8	
Kansas	7	7			7		
Kentucky	9	9			9		
Louisiana	10	10			10		
Maine	4	4			4		
Maryland	10	10			10		
Massachusetts	13		13			13	
Michigan	20	20			20		
Minnesota	10		10			10	
Mississippi	7	7			7		
Missouri	11	11			11		
Montana	4	4			4		
Nebraska	5	5			5		
Nevada	4	4			4		
New Hampshire	4	4			4		
New Jersey	16	16			16		
New Mexico	5	5			5		
New York	36		36			36	
North Carolina	13	13			13		
North Dakota	3	3			3		
Ohio	23	23			23		
Oklahoma	8	8			8		
Oregon	7		7			7	
Pennsylvania	25	25			25		
Rhode Island	4		4			4	
South Carolina	8	8			8		
South Dakota	3	3			3		
Tennessee	11	11			11		
Texas	29	29			29		
Utah	5	5			5		
Vermont	3	3			3		
Virginia	12	12			12		
Washington	10		10			10	
West Virginia	6		5	1		5	1
Wisconsin	11		11			11	
Wyoming	3	3			3		
Total	538	426	111	1	426	111	1

JUSTICES OF THE SUPREME COURT, 1789 TO 1989 [1]

Name [2]	State whence appointed	Date of commission [3]	Date service terminated	Years of service
CHIEF JUSTICES				
1. John Jay	New York	Sept. 26, 1789	June 29, 1795	5
2. John Rutledge [4]	South Carolina	July 1, 1795	Dec. 15, 1795	(5)
3. Oliver Ellsworth	Connecticut	Mar. 4, 1796	Dec. 15, 1800	4
4. John Marshall	Virginia	Jan. 31, 1801	July 6, 1835	34
5. Roger Brooke Taney	Maryland	Mar. 15, 1836	Oct. 12, 1864	28
6. Salmon Portland Chase	Ohio	Dec. 6, 1864	May 7, 1873	8
7. Morrison Remick Waite	......do	Jan. 21, 1874	Mar. 23, 1888	14
8. Melville Weston Fuller	Illinois	July 20, 1888	July 4, 1910	21
9. Edward Douglas White	Louisiana	Dec. 12, 1910	May 19, 1921	[5] 10
10. William Howard Taft	Connecticut	June 30, 1921	Feb. 3, 1930	8
11. Charles Evans Hughes	New York	Feb. 13, 1930	June 30, 1941	[5] 11
12. Harlan Fiske Stone	......do	July 3, 1941	Apr. 22, 1946	[5] 4
13. Fred Moore Vinson	Kentucky	June 21, 1946	Sept. 8, 1953	7
14. Earl Warren	California	Oct. 2, 1953	June 23, 1969	15
15. Warren E. Burger	Virginia	June 23, 1969	Sept. 26, 1986	17
16. William Hubbs Rehnquist	Virginia	Sept. 25, 1986	....	(5)
ASSOCIATE JUSTICES				
1. John Rutledge	South Carolina	Sept. 26, 1789	Mar. 5, 1791	1
2. William Cushing	Massachusetts	Sept. 27, 1789	Sept. 13, 1810	20
3. James Wilson	Pennsylvania	Sept. 29, 1789	Aug. 21, 1798	8
4. John Blair	Virginia	Sept. 30, 1789	Jan. 27, 1796	5
5. James Iredell	North Carolina	Feb. 10, 1790	Oct. 20, 1799	9
6. Thomas Johnson	Maryland	Nov. 7, 1791	Feb. 1, 1793	1
7. William Paterson	New Jersey	Mar. 4, 1793	Sept. 9, 1806	13
8. Samuel Chase	Maryland	Jan. 27, 1796	June 19, 1811	15
9. Bushrod Washington	Virginia	Dec. 20, 1798	Nov. 26, 1829	30
10. Alfred Moore	North Carolina	Dec. 10, 1799	Jan. 26, 1804	3
11. William Johnson	South Carolina	Mar. 26, 1804	Aug. 4, 1834	30
12. Henry B. Livingston	New York	Nov. 10, 1806	Mar. 18, 1823	16
13. Thomas Todd	Kentucky	Mar. 3, 1807	Feb. 7, 1826	18
14. Gabriel Duvall	Maryland	Nov. 18, 1811	Jan. 14, 1835	23
15. Joseph Story	Massachusetts	......do	Sept. 10, 1845	33
16. Smith Thompson	New York	Dec. 9, 1823	Dec. 18, 1843	20
17. Robert Trimble	Kentucky	May 9, 1826	Aug. 25, 1828	2
18. John McLean	Ohio	Mar. 7, 1829	Apr. 4, 1861	31
19. Henry Baldwin	Pennsylvania	Jan. 6, 1830	Apr. 21, 1844	14
20. James Moore Wayne	Georgia	Jan. 9, 1835	July 5, 1867	32
21. Philip Pendleton Barbour	Virginia	Mar. 15, 1836	Feb. 25, 1841	4
22. John Catron	Tennessee	Mar. 8, 1837	May 30, 1865	28
23. John McKinley	Alabama	Sept. 25, 1837	July 19, 1852	14
24. Peter Vivian Daniel	Virginia	Mar. 3, 1841	May 31, 1860	18
25. Samuel Nelson	New York	Feb. 13, 1845	Nov. 28, 1872	27
26. Levi Woodbury	New Hampshire	Sept. 20, 1845	Sept. 4, 1851	5
27. Robert Cooper Grier	Pennsylvania	Aug. 4, 1846	Jan. 31, 1870	23
28. Benjamin Robbins Curtis	Massachusetts	Sept. 22, 1851	Sept. 30, 1857	6
29. John Archibald Campbell	Alabama	Mar. 22, 1853	Apr. 30, 1861	8
30. Nathan Clifford	Maine	Jan. 12, 1858	July 25, 1881	23
31. Noah Haynes Swayne	Ohio	Jan. 24, 1862	Jan. 24, 1881	18
32. Samuel Freeman Miller	Iowa	July 16, 1862	Oct. 13, 1890	28
33. David Davis	Illinois	Dec. 8, 1862	Mar. 4, 1877	14
34. Stephen Johnson Field	California	Mar. 10, 1863	Dec. 1, 1897	34
35. William Strong	Pennsylvania	Feb. 18, 1870	Dec. 14, 1880	10
36. Joseph P. Bradley	New Jersey	Mar. 21, 1870	Jan. 22, 1892	21
37. Ward Hunt	New York	Dec. 11, 1872	Jan. 27, 1882	9
38. John Marshall Harlan	Kentucky	Nov. 29, 1877	Oct. 14, 1911	33

JUSTICES OF THE SUPREME COURT, 1789 TO 1989 [1]—Continued

Name [2]	State whence appointed	Date of commission [3]	Date service terminated	Years of serv-ice
ASSOCIATE JUSTICES—con.				
39. William Burnham Woods	Georgia	Dec. 21, 1880	May 14, 1887	6
40. Stanley Matthews	Ohio	May 12, 1881	Mar. 22, 1889	7
41. Horace Gray	Massachusetts	Dec. 20, 1881	Sept. 15, 1902	20
42. Samuel Blatchford	New York	Mar. 22, 1882	July 7, 1893	11
43. Lucius Quintus C. Lamar	Mississippi	Jan. 16, 1888	Jan. 23, 1893	5
44. David Josiah Brewer	Kansas	Dec. 18, 1889	Mar. 28, 1910	20
45. Henry Billings Brown	Michigan	Dec. 29, 1890	May 28, 1906	15
46. George Shiras, Jr	Pennsylvania	July 26, 1892	Feb. 23, 1903	10
47. Howell Edmunds Jackson	Tennessee	Feb. 18, 1893	Aug. 8, 1895	2
48. Edward Douglas White	Louisiana	Feb. 19, 1894	Dec. 18, 1910	16
49. Rufus Wheeler Peckham	New York	Dec. 9, 1895	Oct. 24, 1909	13
50. Joseph McKenna	California	Jan. 21, 1898	Jan. 5, 1925	26
51. Oliver Wendell Holmes	Massachusetts	Dec. 4, 1902	Jan. 12, 1932	29
52. William Rufus Day	Ohio	Feb. 23, 1903	Nov. 13, 1922	19
53. William Henry Moody	Massachusetts	Dec. 12, 1906	Nov. 20, 1910	3
54. Horace Harmon Lurton	Tennessee	Dec. 20, 1909	July 12, 1914	4
55. Charles Evans Hughes	New York	May 2, 1910	June 10, 1916	5
56. Willis Van Devanter	Wyoming	Dec. 16, 1910	June 2, 1937	26
57. Joseph Rucker Lamar	Georgia	Dec. 17, 1910	Jan. 2, 1916	4
58. Mahlon Pitney	New Jersey	Mar. 13, 1912	Dec. 31, 1922	10
59. James Clark McReynolds	Tennessee	Aug. 29, 1914	Jan. 31, 1941	26
60. Louis Dembitz Brandeis	Massachusetts	June 1, 1916	Feb. 13, 1939	22
61. John Hessin Clarke	Ohio	July 24, 1916	Sept. 18, 1922	5
62. George Sutherland	Utah	Sept. 5, 1922	Jan. 17, 1938	15
63. Pierce Butler	Minnesota	Dec. 21, 1922	Nov. 16, 1939	16
64. Edward Terry Sanford	Tennessee	Jan. 29, 1923	Mar. 8, 1930	7
65. Harlan Fiske Stone	New York	Feb. 5, 1925	July 2, 1941	16
66. Owen Josephus Roberts	Pennsylvania	May 20, 1930	July 31, 1945	15
67. Benjamin Nathan Cardozo	New York	Mar. 2, 1932	July 9, 1938	6
68. Hugo Lafayette Black	Alabama	Aug. 18, 1937	Sept. 17, 1971	34
69. Stanley Forman Reed	Kentucky	Jan. 27, 1938	Feb. 25, 1957	19
70. Felix Frankfurter	Massachusetts	Jan. 20, 1939	Aug. 28, 1962	23
71. William Orville Douglas	Connecticut	Apr. 15, 1939	Nov. 12, 1975	36
72. Frank Murphy	Michigan	Jan. 18, 1940	July 19, 1949	9
73. James Francis Byrnes	South Carolina	June 25, 1941	Oct. 3, 1942	1
74. Robert Houghwout Jackson	New York	July 11, 1941	Oct. 9, 1954	13
75. Wiley Blount Rutledge	Iowa	Feb. 11, 1943	Sept. 10, 1949	6
76. Harold Hitz Burton	Ohio	Sept. 22, 1945	Oct. 13, 1958	13
77. Thomas Campbell Clark	Texas	Aug. 19, 1949	June 12, 1967	17
78. Sherman Minton	Indiana	Oct. 5, 1949	Oct. 15, 1956	7
79. John Marshall Harlan	New York	Mar. 17, 1955	Sept. 23, 1971	16
80. William J. Brennan, Jr	New Jersey	Oct. 15, 1956		
81. Charles Evans Whittaker	Missouri	Mar. 22, 1957	Mar. 31, 1962	5
82. Potter Stewart	Ohio	Oct. 14, 1958	July 3, 1981	23
83. Byron R. White	Colorado	Apr. 12, 1962		
84. Arthur J. Goldberg	Illinois	Sept. 28, 1962	July 25, 1965	2
85. Abe Fortas	Tennessee	Aug. 11, 1965	May 14, 1969	3
86. Thurgood Marshall	New York	Aug. 30, 1967		
87. Harry A. Blackmun	Minnesota	May 14, 1970		
88. Lewis Franklin Powell, Jr	Virginia	Dec. 9, 1971	June 26, 1987	16
89. William Hubbs Rehnquist	Arizona	Dec. 15, 1971	Sept. 25, 1986	15
90. John Paul Stevens	Illinois	Dec. 17, 1975		
91. Sandra Day O'Connor	Arizona	Sept. 22, 1981		
92. Antonin Scalia	Virginia	Sept. 25, 1986		
93. Anthony M. Kennedy	California	Feb. 18, 1988		

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[1] SOURCE: Marshal, Supreme Court of the United States.

[2] The acceptance of the appointment and commission by the appointee, as evidenced by the taking of the prescribed oaths, is here implied, otherwise the individual is not carried on this list of the Members of the Court. Examples: Robert Hanson Harrison is not carried, as a letter from President Washington of February 9, 1790, states Harrison declined to serve; neither is Edwin M. Stanton, who died before he could take the necessary steps toward becoming a Member of the Court. Chief Justice Rutledge is included because he took his oaths and presided over the August term of 1795, his name appearing on two opinions of the Court for that term.

[3] Where a Member received two commissions the one entered on the Court's Minutes is here used.

[4] Commissioned July 1, 1795 (during adjournment of Congress); presided at August term, 1795. Nomination rejected by the Senate Dec. 15, 1795.

[5] Also served as Associate Justice.

[951]

CABINET OFFICERS, 1789 TO 1989

951

SECRETARIES OF STATE

Name	When appointed	President
1. Thomas Jefferson	Sept. 26, 1789	George Washington.
Do	Mar. 4, 1793	Do.
2. Edmund Randolph	Jan. 2, 1794	Do.
3. Timothy Pickering	Dec. 10, 1795	Do.
Do	Mar. 4, 1797	John Adams.
4. John Marshall	May 13, 1800	Do.
5. James Madison	Mar. 5, 1801	Thomas Jefferson.
Do	Mar. 4, 1805	Do.
6. Robert Smith	Mar. 6, 1809	James Madison.
7. James Monroe	Apr. 2, 1811	Do.
Do	Feb. 28, 1815	Do.
8. John Quincy Adams	Mar. 5, 1817	James Monroe.
Do	Mar. 5, 1821	Do.
9. Henry Clay	Mar. 7, 1825	John Quincy Adams.
10. Martin Van Buren	Mar. 6, 1829	Andrew Jackson.
11. Edward Livingston	May 24, 1831	Do.
12. Louis McLane	May 29, 1833	Do.
13. John Forsyth	June 27, 1834	Do.
Do	Mar. 4, 1837	Martin Van Buren.
14. Daniel Webster	Mar. 5, 1841	William H. Harrison.
Do	Apr. 6, 1841	John Tyler.
15. Abel P. Upshur	July 24, 1843	Do.
16. John C. Calhoun	Mar. 6, 1844	Do.
17. James Buchanan	Mar. 6, 1845	James K. Polk.
18. John M. Clayton	Mar. 7, 1849	Zachary Taylor.
19. Daniel Webster	July 22, 1850	Millard Fillmore.
20. Edward Everett	Nov. 6, 1852	Do
21. William L. Marcy	Mar. 7, 1853	Franklin Pierce.
22. Lewis Cass	Mar. 6, 1857	James Buchanan.
23. Jeremiah S. Black	Dec. 17, 1860	Do.
24. William H. Seward	Mar. 5, 1861	Abraham Lincoln.
Do	Mar. 4, 1865	Do.
Do	Apr. 15, 1865	Andrew Johnson.
25. Elihu B. Washburne	Mar. 5, 1869	Ulysses S. Grant.
26. Hamilton Fish	Mar. 11, 1869	Do.
Do	Mar. 17, 1873	Do.
27. William M. Evarts	Mar. 12, 1877	Rutherford B. Hayes.
28. James G. Blaine	Mar. 5, 1881	James A. Garfield.
29. Frederick T. Frelinghuysen	Dec. 12, 1881	Chester A. Arthur.
30. Thomas F. Bayard	Mar. 6, 1885	Grover Cleveland.
31. James G. Blaine	Mar. 5, 1889	Benjamin Harrison.
32. John W. Foster	June 29, 1892	Do.
33. Walter Q. Gresham	Mar. 6, 1893	Grover Cleveland.
34. Richard Olney	June 8, 1895	Do.
35. John Sherman	Mar. 5, 1897	William McKinley.
36. William R. Day	Apr. 26, 1898	Do.
37. John Hay	Sept. 20, 1898	Do.
Do	Mar. 5, 1901	Do.
Do	Mar. 6, 1905	Theodore Roosevelt.
38. Elihu Root	July 7, 1905	Do.
39. Robert Bacon	Jan. 27, 1909	Do.
40. Philander C. Knox	Mar. 5, 1909	William H. Taft.
41. William Jennings Bryan	Mar. 5, 1913	Woodrow Wilson.
42. Robert Lansing	June 23, 1915	Do.
43. Bainbridge Colby	Mar. 22, 1920	Do.
44. Charles Evans Hughes	Mar. 4, 1921	Warren G. Harding.

SECRETARIES OF STATE—Continued

Name	When appointed	President
Do		Calvin Coolidge.
45. Frank B. Kellogg	Feb. 18, 1925	Do.
46. Henry Lewis Stimson	Mar. 5, 1929	Herbert C. Hoover.
47. Cordell Hull	Mar. 4, 1933	Franklin D. Roosevelt.
48. Edward R. Stettinius, Jr	Nov. 30, 1944	Do.
49. James F. Byrnes	July 2, 1945	Harry S. Truman.
50. George C. Marshall	Jan. 8, 1947	Do.
51. Dean G. Acheson	Jan. 19, 1949	Do.
52. John Foster Dulles	Jan. 21, 1953	Dwight D. Eisenhower.
53. Christian A. Herter	Apr. 21, 1959	Do.
54. Dean Rusk	Jan. 21, 1961	John F. Kennedy.
Do		Lyndon B. Johnson.
55. William P. Rogers	Jan. 21, 1969	Richard M. Nixon.
56. Henry A. Kissinger	Sept. 21, 1973	Do.
Do		Gerald R. Ford.
57. Cyrus Vance	Jan. 21, 1977	Jimmy Carter.
58. Edmund S. Muskie	May 8, 1980	Do.
59. Alexander Meigs Haig, Jr	Jan. 22, 1981	Ronald Reagan.
60. George P. Shultz	July 16, 1982	Do.
61. James A. Baker III	Jan. 27, 1989	George Bush.

952 SECRETARIES OF THE TREASURY

Name	When appointed	President
1. Alexander Hamilton	Sept. 11, 1789	George Washington.
Do	Mar. 4, 1793	Do.
2. Oliver Wolcott, Jr	Feb. 2, 1795	Do.
Do	Mar. 4, 1797	John Adams.
3. Samuel Dexter	Jan. 1, 1801	Do.
Do	Mar. 4, 1801	Thomas Jefferson.
4. Albert Gallatin	May 14, 1801	Do.
Do	Mar. 4, 1805	Do.
Do	Mar. 4, 1809	James Madison.
5. George W. Campbell	Feb. 9, 1814	Do.
6. Alexander J. Dallas	Oct. 6, 1814	Do.
7. William H. Crawford	Oct. 22, 1816	Do.
Do	Mar. 5, 1817	James Monroe.
Do	Mar. 5, 1821	Do.
8. Richard Rush	Mar. 7, 1825	John Quincy Adams.
9. Samuel D. Ingham	Mar. 6, 1829	Andrew Jackson.
10. Louis McLane	Aug. 8, 1831	Do.
11. William J. Duane	May 29, 1833	Do.
12. Roger B. Taney	Sept. 23, 1833	Do.
13. Levi Woodbury	June 27, 1834	Do.
Do	Mar. 4, 1837	Martin Van Buren.
14. Thomas Ewing	Mar. 5, 1841	William H. Harrison.
Do	Apr. 6, 1841	John Tyler.
15. Walter Forward	Sept. 13, 1841	Do.
16. John C. Spencer	Mar. 3, 1843	Do.
17. George M. Bibb	June 15, 1844	Do.
Do		James K. Polk.
18. Robert J. Walker	Mar. 6, 1845	Do.
19. William M. Meredith	Mar. 8, 1849	Zachary Taylor.
Do		Millard Fillmore.
20. Thomas Corwin	July 23, 1850	Do.
21. James Guthrie	Mar. 7, 1853	Franklin Pierce.
22. Howell Cobb	Mar. 6, 1857	James Buchanan.
23. Phillip F. Thomas	Dec. 12, 1860	Do.
24. John A. Dix	Jan. 11, 1861	Do.
25. Salmon P. Chase	Mar. 5, 1861	Abraham Lincoln.
26. William Pitt Fessenden	July 1, 1864	Do.
27. Hugh McCulloch	Mar. 7, 1865	Do.
Do	Apr. 15, 1865	Andrew Johnson.

SECRETARIES OF THE TREASURY—Continued

Name	When appointed	President
28. George S. Boutwell	Mar. 11, 1869	Ulysses S. Grant.
29. William A. Richardson	Mar. 17, 1873	Do.
30. Benjamin H. Bristow	June 2, 1874	Do.
31. Lot M. Morrill	June 21, 1876	Do.
Do	June 21, 1876	Rutherford B. Hayes.
32. John Sherman	Mar. 8, 1877	Do.
33. William Windom	Mar. 5, 1881	James A. Garfield.
34. Charles J. Folger	Oct. 27, 1881	Chester A. Arthur.
35. Walter Q. Gresham	Sept. 24, 1884	Do.
36. Hugh McCulloch	Oct. 28, 1884	Do.
Do		Grover Cleveland.
37. Daniel Manning	Mar. 6, 1885	Do.
38. Charles S. Fairchild	Apr. 1, 1887	Do.
Do		Benjamin Harrison.
39. William Windom	Mar. 5, 1889	Do.
40. Charles Foster	Feb. 24, 1891	Do.
Do		Grover Cleveland.
41. John G. Carlisle	Mar. 6, 1893	Do.
Do		William McKinley.
42. Lyman J. Gage	Mar. 5, 1897	Do.
Do	Mar. 5, 1901	Do.
43. Leslie M. Shaw	Jan. 9, 1902	Theodore Roosevelt.
Do	Mar. 6, 1905	Do.
44. George B. Cortelyou	Mar. 4, 1907	Do.
45. Franklin MacVeagh	Mar. 5, 1909	William H. Taft.
46. William G. McAdoo	Mar. 5, 1913	Woodrow Wilson.
47. Carter Glass	Dec. 6, 1918	Do.
48. David Franklin Houston	Jan. 31, 1920	Do.
49. Andrew W. Mellon	Mar. 4, 1921	Warren G. Harding.
Do		Calvin Coolidge.
Do		Herbert C. Hoover.
50. Ogden L. Mills	Feb. 10, 1932	Do.
51. William H. Woodin	Mar. 4, 1933	Franklin D. Roosevelt.
52. Henry Morgenthau, Jr	Jan. 1, 1934	Do.
Do		Harry S. Truman.
53. Fred M. Vinson	July 18, 1945	Do.
54. John W. Snyder	June 12, 1946	Do.
55. George M. Humphrey	Jan. 21, 1953	Dwight D. Eisenhower.
56. Robert B. Anderson	July 29, 1957	Do.
57. Douglas Dillon	Jan. 21, 1961	John F. Kennedy.
58. Henry H. Fowler	Apr. 1, 1965	Lyndon B. Johnson.
59. Joseph W. Barr[1]	Dec. 21, 1968	Do.
60. David M. Kennedy	Jan. 21, 1969	Richard M. Nixon.
61. John B. Connally	Feb. 11, 1971	Do.
62. George P. Shultz	June 12, 1972	Do.
63. William E. Simon	May 7, 1974	Do.
Do		Gerald R. Ford.
64. W. Michael Blumenthal	Jan. 21, 1977	Jimmy Carter.
65. G. William Miller	Aug. 6, 1979	Do.
66. Donald T. Regan	Jan. 22, 1981	Ronald Reagan.
67. James A. Baker, III	Feb. 3, 1985	Do.
68. Nicholas F. Brady	Sept. 16, 1988	Do.

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[1] Recess appointment. Received new commission Jan. 9, 1969, upon confirmation by the Senate.

SECRETARIES OF DEFENSE* 953

Name	When appointed	President
1. James V. Forrestal	July 28, 1947	Harry S. Truman.
2. Louis A. Johnson	Mar. 23, 1949	Do.
3. George C. Marshall	Sept. 20, 1950	Do.
4. Robert A. Lovett	Sept. 14, 1951	Do.
5. Charles E. Wilson	Jan. 26, 1953	Dwight D. Eisenhower.
6. Neil Hosler McElroy	Oct. 4, 1957	Do.

SECRETARIES OF DEFENSE*—Continued

Name	When appointed	President
7. Thomas Sovereign Gates, Jr	Dec. 1, 1959	Do.
8. Robert S. McNamara	Jan. 21, 1961	John F. Kennedy.
Do		Lyndon B. Johnson.
9. Clark M. Clifford	Mar. 1, 1968	Do.
10. Melvin R. Laird	Jan. 21, 1969	Richard M. Nixon.
11. Elliot L. Richardson	Feb. 2, 1973	Do.
12. James R. Schlesinger	June 29, 1973	Do.
Do.	June 29, 1973	Gerald R. Ford.
13. Donald Rumsfeld	Nov. 18, 1975	Do.
14. Harold Brown	Jan. 21, 1977	Jimmy Carter.
15. Caspar Willard Weinberger	Jan. 20, 1981	Ronald Reagan.
16. Frank C. Carlucci	Nov. 23, 1987	Do.
17. Richard B. Cheney	Mar. 17, 1989	George Bush.

*The National Security Act of 1947, Public Law 253, 80th Cong., approved July 26, 1947, created the office of Secretary of Defense and merged the War and Navy Departments into the National Military Establishment.

954 SECRETARIES OF WAR*

Name	When appointed	President
1. Harry Knox	Sept. 12, 1789	George Washington.
Do	Mar. 4, 1793	Do.
2. Timothy Pickering	Jan. 2, 1795	Do.
3. James McHenry	Jan. 27, 1796	Do.
Do	Mar. 4, 1797	John Adams.
4. Samuel Dexter	May 13, 1800	Do.
5. Roger Griswold	Feb. 3, 1801	Do.
6. Henry Dearborn	Mar. 5, 1801	Thomas Jefferson.
Do	Mar. 4, 1805	Do.
7. William Eustis	Mar. 7, 1809	James Madison.
8. John Armstrong	Jan. 13, 1813	Do.
Do	Mar. 4, 1813	Do.
9. James Monroe	Sept. 27, 1814	Do.
10. William H. Crawford	Aug. 1, 1815	Do.
11. George Graham	Apr. 7, 1817	James Monroe.
12. John C. Calhoun	Oct. 8, 1817	Do.
Do	Mar. 5, 1821	Do.
13. James Barbour	Mar. 7, 1825	John Quincy Adams.
14. Peter B. Porter	May 26, 1828	Do.
15. John H. Eaton	Mar. 9, 1829	Andrew Jackson.
16. Lewis Cass	Aug. 1, 1831	Do.
Do	Mar. 4, 1833	Do.
17. Joel R. Poinsett	Mar. 7, 1837	Martin Van Buren.
18. John Bell	Mar. 5, 1841	William H. Harrison.
Do	Apr. 6, 1841	John Tyler.
19. John McLean	Sept. 13, 1841	Do.
20. John C. Spencer	Oct. 12, 1841	Do.
21. James M. Porter	Mar. 8, 1843	Do.
22. William Wilkins	Feb. 15, 1844	Do.
23. William L. Marcy	Mar. 6, 1845	James K. Polk.
24. George W. Crawford	Mar. 8, 1849	Zachary Taylor.
25. Charles M. Conard	Aug. 15, 1850	Millard Fillmore.
26. Jefferson Davis	Mar. 17, 1853	Franklin Pierce.
27. John B. Floyd	Mar. 6, 1857	James Buchanan.
28. Joseph Holt	Jan. 18, 1861	Do.
29. Simon Cameron	Mar. 5, 1861	Abraham Lincoln.
30. Edwin M. Stanton	Jan. 15, 1862	Do.
Do	Mar. 4, 1865	Do.
Do	Apr. 15, 1865	Andrew Johnson.
31. Ulysses S. Grant	Aug. 12, 1867	Do.
32. Lorenzo Thomas	Feb. 21, 1868	Do.
33. John M. Schofield	May 28, 1868	Do.
34. John A. Rawlins	Mar. 11, 1869	Ulysses S. Grant.
William T. Sherman	Sept. 9, 1869	Do.

SECRETARIES OF WAR*—Continued

Name	When appointed	President
35. William W. Belknap	Oct. 25, 1869	Do.
Do	Mar. 17, 1873	Do.
36. Alphonso Taft	Mar. 8, 1876	Do.
37. James D. Cameron	May 22, 1876	Do.
38. George W. McCrary	Mar. 12, 1877	Rutherford B. Hayes.
39. Alexander Ramsey	Dec. 10, 1879	Do.
40. Robert T. Lincoln	Mar. 5, 1881	James A. Garfield.
Do	Sept. 20, 1881	Chester A. Arthur.
41. William C. Endicott	Mar. 6, 1885	Grover Cleveland.
42. Redfield Proctor	Mar. 5, 1889	Benjamin Harrison.
43. Stephen B. Elkins	Dec. 22, 1891	Do.
44. Daniel S. Lamont	Mar. 6, 1893	Grover Cleveland.
45. Russell A. Alger	Mar. 5, 1897	William McKinley.
46. Elihu Root	Aug. 1, 1899	Do.
Do	Mar. 5, 1901	Do.
47. William H. Taft	Feb. 1, 1904	Theodore Roosevelt.
Do	Mar. 6, 1905	Do.
48. Luke E. Wright	June 29, 1908	Do.
49. Jacob M. Dickinson	Mar. 5, 1909	William H. Taft.
50. Henry Lewis Stimson	May 16, 1911	Do.
51. Lindley M. Garrison	Mar. 5, 1913	Woodrow Wilson.
52. Newton D. Baker	Mar. 7, 1916	Do.
53. John Wingate Weeks	Mar. 5, 1921	Warren G. Harding.
Do		Calvin Coolidge.
54. Dwight F. Davis	Oct. 13, 1925	Do.
55. James William Good	Mar. 5, 1929	Herbert C. Hoover.
56. Patrick J. Hurley	Dec. 9, 1929	Do.
57. George H. Dern	Mar. 4, 1933	Franklin D. Roosevelt.
58. Harry Hines Woodring	Sept. 25, 1936	Do.
59. Henry Lewis Stimson	July 10, 1940	Do.
60. Robert P. Patterson	Sept. 26, 1945	Harry S. Truman.
61. Kenneth C. Royall	July 21, 1947	Do.

*The National Security Act of 1947, Public Law 253, 80th Cong., approved July 26, 1947, created the office of Secretary of Defense and merged the War and Navy Departments into the National Military Establishment.

ATTORNEYS GENERAL 955

Name	When appointed	President
1. Edmund Randolph	Sept. 26, 1789	George Washington.
Do	Mar. 4, 1793	Do.
2. William Bradford	Jan. 27, 1794	Do.
3. Charles Lee	Dec. 10, 1795	Do.
Do	Mar. 4, 1797	John Adams.
4. Theophilus Parsons (*declined*)	Feb. 20, 1801	Do.
5. Levi Lincoln	Mar. 5, 1801	Thomas Jefferson.
6. Robert Smith[1]	Mar. 3, 1805	Do.
7. John Breckenridge	Aug. 7, 1805	Do.
8. Caesar A. Rodney	Jan. 20, 1807	Do.
Do	Mar. 4, 1809	James Madison.
9. William Pinckney	Dec. 11, 1811	Do.
Do	Mar. 4, 1813	Do.
10. Richard Rush	Feb. 10, 1814	Do.
Do	Mar. 4, 1817	James Monroe.
11. William Wirt	Nov. 13, 1817	Do.
Do	Mar. 5, 1821	Do.
Do	Mar. 4, 1825	John Quincy Adams.
12. John M. Berrien	Mar. 9, 1829	Andrew Jackson.
13. Roger B. Taney	July 20, 1831	Do.
Do	Mar. 4, 1833	Do.
14. Benjamin F. Butler	Nov. 15, 1833	Do.
Do	Mar. 4, 1837	Martin Van Buren.
15. Felix Grundy	July 5, 1838	Do.
16. Henry D. Gilpin	Jan. 11, 1840	Do.

ATTORNEYS GENERAL—Continued

Name	When appointed	President
17. John J. Crittenden	Mar. 5, 1841	William H. Harrison.
Do	Apr. 6, 1841	John Tyler.
18. Hugh S. Legare	Sept. 13, 1841	Do.
19. John Nelson	July 1, 1843	Do.
20. John Y. Mason	Mar. 6, 1845	James K. Polk.
21. Nathan Clifford	Oct. 17, 1846	Do.
22. Isaac Toucey	June 21, 1848	Do.
23. Reverdy Johnson	Mar. 8, 1849	Zachary Taylor.
24. John J. Crittenden	July 22, 1850	Millard Fillmore.
25. Caleb Cushing	Mar. 7, 1853	Franklin Pierce.
26. Jeremiah S. Black	Mar. 6, 1857	James Buchanan.
27. Edwin M. Stanton	Dec. 20, 1860	Do.
28. Edward Bates	Mar. 5, 1861	Abraham Lincoln.
29. Titian J. Coffey[2]	June 22, 1863	Do.
30. James Speed	Dec. 2, 1864	Do.
Do	Mar. 4, 1865	Do.
Do	Apr. 15, 1865	Andrew Johnson.
31. Henry Stanbery	July 23, 1866	Do.
32. William M. Evarts	July 15, 1868	Do.
33. E. Rockwood Hoar	Mar. 5, 1869	Ulysses S. Grant.
34. Amos T. Ackerman	June 23, 1870	Do.
35. George H. Williams	Dec. 14, 1871	Do.
Do	Mar. 17, 1873	Do.
36. Edwards Pierrepont	Apr. 26, 1875	Do.
37. Alphonso Taft	May 22, 1876	Do.
38. Charles Devens	Mar. 12, 1877	Rutherford B. Hayes.
39. Wayne MacVeagh	Mar. 5, 1881	James A. Garfield.
40. Benjamin H. Brewster	Dec. 19, 1881	Chester A. Arthur.
41. Augustus H. Garland	Mar. 6, 1885	Grover Cleveland.
42. William H. H. Miller	Mar. 5, 1889	Benjamin Harrison.
43. Richard Olney	Mar. 6, 1893	Grover Cleveland.
44. Judson Harmon	June 8, 1895	Do.
45. Joseph McKenna	Mar. 5, 1897	William McKinley.
46. John W. Griggs	Jan. 25, 1898	Do.
Do	Mar. 5, 1901	Do.
47. Philander C. Knox	Apr. 5, 1901	Do.
48. William H. Moody	July 1, 1904	Theodore Roosevelt.
Do	Mar. 6, 1905	Do.
49. Charles J. Bonaparte	Dec. 12, 1906	Do.
50. George W. Wickersham	Mar. 5, 1909	William H. Taft.
51. James Clark McReynolds	Mar. 5, 1913	Woodrow Wilson.
52. Thomas Watt Gregory	Aug. 29, 1914	Do.
53. A. Mitchell Palmer	Mar. 5, 1919	Do.
54. Harry M. Daugherty	Mar. 5, 1921	Warren G. Harding.
Do		Calvin Coolidge.
55. Harlan F. Stone	Apr. 7, 1924	Do.
56. John G. Sargent	Mar. 18, 1925	Do.
57. William DeWitt Mitchell	Mar. 5, 1929	Herbert C. Hoover.
58. Homer S. Cummings	Mar. 4, 1933	Franklin D. Roosevelt.
59. Frank Murphy	Jan. 2, 1939	Do.
60. Robert H. Jackson	Jan. 18, 1940	Do.
61. Francis Biddle	Sept. 5, 1941	Do.
62. Tom C. Clark	June 15, 1945	Harry S. Truman.
63. J. Howard McGrath	Aug. 19, 1949	Do.
64. James P. McGranery	May 21, 1952	Do.
65. Herbert Brownell, Jr	Jan. 21, 1953	Dwight D. Eisenhower.
66. William P. Rogers	Jan. 27, 1958	Do.
67. Robert F. Kennedy	Jan. 21, 1961	John F. Kennedy.
Do		Lyndon B. Johnson.
68. Nicholas deB. Katzenbach	Feb. 11, 1965	Do.
69. Ramsey Clark	Mar. 2, 1967	Do.
70. John N. Mitchell	Jan. 21, 1969	Richard M. Nixon.
71. Richard G. Kleindienst	June 12, 1972	Do.
72. Elliot L. Richardson	May 24, 1973	Do.
73. William B. Saxbe	Jan. 4, 1974	Do.
Do		Gerald R. Ford.
74. Edward Hirsch Levi	Feb. 6, 1975	Do.
75. Griffin B. Bell	Jan. 26, 1977	Jimmy Carter.
76. Benjamin R. Civiletti	Aug. 16, 1979	Do.

ATTORNEYS GENERAL—Continued

Name	When appointed	President
77. William French Smith[3]	Jan. 23, 1981	Ronald Reagan.
78. Edwin Meese III	Feb. 23, 1985	Do.
79. Richard L. Thornburgh	Aug. 12, 1988	Do.

[1] Appointed, but did not serve.
[2] Appointed Assistant Attorney General.
[3] Resigned Jan. 22, 1984.

POSTMASTERS GENERAL* 956

Name	When appointed	President
1. Samuel Osgood	Sept. 26, 1789	George Washington.
2. Timothy Pickering	Aug. 12, 1791	Do.
Do	Mar. 4, 1793	Do.
3. Joseph Habersham	Feb. 25, 1795	Do.
Do	Mar. 4, 1797	John Adams.
Do	Mar. 4, 1801	Thomas Jefferson.
4. Gideon Granger	Nov. 28, 1801	Do.
Do	Mar. 4, 1805	Do.
Do	Mar. 4, 1809	James Madison.
Do	Mar. 4, 1813	Do.
5. Return J. Meigs, Jr	Mar. 17, 1814	Do.
Do	Mar. 4, 1817	James Monroe.
Do	Mar. 5, 1821	Do.
6. John McLean	June 26, 1823	Do.
Do	Mar. 4, 1825	John Quincy Adams.
7. William T. Barry	Mar. 9, 1829	Andrew Jackson.
Do	Mar. 4, 1833	Do.
8. Amos Kendall	May 1, 1835	Do.
Do	Mar. 4, 1837	Martin Van Buren.
9. John M. Niles	May 19, 1840	Do.
10. Francis Granger	Mar. 6, 1841	William H. Harrison.
Do	Apr. 6, 1841	John Tyler.
11. Charles A. Wickliffe	Sept. 13, 1841	Do.
12. Cave Johnson	Mar. 6, 1845	James K. Polk.
13. Jacob Collamer	Mar. 8, 1849	Zachary Taylor.
14. Nathan K. Hall	July 23, 1850	Millard Fillmore.
15. Samuel D. Hubbard	Aug. 31, 1852	Do.
16. James Campbell	Mar. 7, 1853	Franklin Pierce.
17. Aaron V. Brown	Mar. 6, 1857	James Buchanan.
18. Joseph Holt	Mar. 14, 1859	Do.
19. Horatio King	Feb. 12, 1861	Do.
20. Montgomery Blair	Mar. 5, 1861	Abraham Lincoln.
21. William Dennison	Sept. 24, 1864	Do.
Do	Mar. 4, 1865	Do.
Do	Apr. 15, 1865	Andrew Johnson.
22. Alexander W. Randall	July 25, 1866	Do.
23. John A. Creswell	Mar. 5, 1869	Ulysses S. Grant.
Do	Mar. 17, 1873	Do.
James W. Marshal	July 3, 1874	Do.
24. Marshall Jewell	Aug. 24, 1874	Do.
25. James N. Tyner	July 12, 1876	Do.
26. David M. Key	Mar. 12, 1877	Rutherford B. Hayes.
27. Horace Maynard	June 2, 1880	Do.
28. Thomas L. James	Mar. 5, 1881	James A. Garfield.
Do	Oct. 27, 1881	Chester A. Arthur.
29. Timothy O. Howe	Dec. 20, 1881	Do.
30. Walter Q. Gresham	Apr. 3, 1883	Do.
31. Frank Hatton	Oct. 14, 1884	Do.
32. William F. Vilas	Mar. 6, 1885	Grover Cleveland.
33. Don M. Dickinson	Jan. 16, 1888	Do.
34. John Wanamaker	Mar. 5, 1889	Benjamin Harrison.
35. Wilson S. Bissell	Mar. 6, 1893	Grover Cleveland.
36. William L. Wilson	Mar. 1, 1895	Do.
37. James A. Gary	Mar. 5, 1897	William McKinley.

POSTMASTERS GENERAL*—Continued

Name	When appointed	President
38. Charles Emory Smith	Apr. 21, 1898	Do.
Do	Mar. 5, 1901	Do.
39. Henry C. Payne	Jan. 9, 1902	Theodore Roosevelt.
40. Robert J. Wynne	Oct. 10, 1904	Do.
41. George B. Cortelyou	Mar. 6, 1905	Do.
42. George von L. Meyer	Mar. 4, 1907	Do.
43. Frank H. Hitchcock	Mar. 5, 1909	William H. Taft.
44. Albert Sidney Burleson	Mar. 5, 1913	Woodrow Wilson.
45. Will H. Hays	Mar. 5, 1921	Warren G. Harding.
46. Hubert Work	Mar. 4, 1922	Do.
47. Harry S. New	Feb. 27, 1923	Do.
Do	Mar. 5, 1925	Calvin Coolidge.
48. Walter Folger Brown	Mar. 5, 1929	Herbert C. Hoover.
49. James A. Farley	Mar. 4, 1933	Franklin D. Roosevelt.
50. Frank C. Walker	Sept. 11, 1940	Do.
51. Robert E. Hannegan	May 8, 1945	Harry S. Truman.
52. Jesse M. Donaldson	Dec. 16, 1947	Do.
53. Arthur E. Summerfield	Jan. 21, 1953	Dwight D. Eisenhower.
54. J. Edward Day	Jan. 21, 1961	John F. Kennedy.
55. John A. Gronouski	Sept. 30, 1963	Do.
Do		Lyndon B. Johnson.
56. Lawrence F. O'Brien	Nov. 3, 1965	Do.
57. W. Marvin Watson	Apr. 26, 1968	Do.
58. Winton M. Blount	Jan. 21, 1969	Richard M. Nixon.

*The Post Office Department ceased to exist as a Cabinet Department upon the establishment of the United States Postal Service, effective July 1, 1971. Winton M. Blount was the last Postmaster General to be appointed by a President of the United States.

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SECRETARIES OF THE NAVY*

Name	When appointed	President
1. Benjamin Stoddert	May 21, 1798	John Adams.
Do	Mar. 4, 1801	Thomas Jefferson.
2. Robert Smith	July 15, 1801	Do.
3. Jacob Crowninshield[1]	Mar. 3, 1805	Do.
4. Paul Hamilton	Mar. 7, 1809	James Madison.
5. William Jones	Jan. 12, 1813	Do.
Do	Mar. 4, 1813	Do.
6. Benjamin W. Crowninshield	Dec. 19, 1814	Do.
Do	Mar. 4, 1817	James Monroe.
7. Smith Thompson	Nov. 9, 1818	Do.
Do	Mar. 5, 1821	Do.
8. Samuel L. Southard	Sept. 18, 1823	Do.
Do	Mar. 4, 1825	John Quincy Adams.
9. John Branch	Mar. 9, 1829	Andrew Jackson.
10. Levi Woodbury	May 23, 1831	Do.
Do	Mar. 4, 1833	Do.
11. Mahlon Dickerson	June 30, 1834	Do.
Do	Mar. 4, 1837	Martin Van Buren.
12. James K. Paulding	June 25, 1838	Do.
13. George E. Badger	Mar. 5, 1841	William H. Harrison.
Do	Apr. 6, 1841	John Tyler.
14. Abel P. Upshur	Sept. 13, 1841	Do.
15. David Henshaw	July 24, 1843	Do.
16. Thomas W. Gilmer	Feb. 15, 1844	Do.
17. John Y. Mason	Mar. 14, 1844	Do.
18. George Bancroft	Mar. 10, 1845	James K. Polk.
19. John Y. Mason	Sept. 9, 1846	Do.
20. William B. Preston	Mar. 8, 1849	Zachary Taylor.
21. William A. Graham	July 22, 1850	Millard Fillmore.
22. John P. Kennedy	July 22, 1852	Do.
23. James C. Dobbin	Mar. 7, 1853	Franklin Pierce.
24. Isaac Toucey	Mar. 6, 1857	James Buchanan.
25. Gideon Welles	Mar. 5, 1861	Abraham Lincoln.

SECRETARIES OF THE NAVY*—Continued

Name	When appointed	President
Do	Mar. 4, 1865	Do.
Do	Apr. 15, 1865	Andrew Johnson.
26. Adolph E. Borie	Mar. 5, 1869	Ulysses S. Grant.
27. George M. Robeson	June 25, 1869	Do.
Do	Mar. 17, 1873	Do.
28. Richard W. Thompson	Mar. 12, 1877	Rutherford B. Hayes.
29. Nathan Goff, Jr	Jan. 6, 1881	Do.
30. William H. Hunt	Mar. 5, 1881	James A. Garfield.
31. William E. Chandler	Apr. 12, 1882	Chester A. Arthur.
32. William C. Whitney	Mar. 6, 1885	Grover Cleveland.
33. Benjamin F. Tracy	Mar. 5, 1889	Benjamin Harrison.
34. Hilary A. Herbert	Mar. 6, 1893	Grover Cleveland.
35. John D. Long	Mar. 5, 1897	William McKinley.
Do	Mar. 5, 1901	Do.
36. William H. Moody	Apr. 29, 1902	Theodore Roosevelt.
37. Paul Morton	July 1, 1904	Do.
Do	Mar. 6, 1905	Do.
38. Charles J. Bonaparte	July 1, 1905	Theodore Roosevelt.
39. Victor H. Metcalf	Dec. 12, 1906	Do.
40. Trueman H. Newberry	Dec. 1, 1908	Do.
41. George von L. Meyer	Mar. 5, 1909	William H. Taft.
42. Josephus Daniels	Mar. 5, 1913	Woodrow Wilson.
43. Edwin Denby	Mar. 5, 1921	Warren G. Harding.
Do		Calvin Coolidge.
44. Curtis D. Wilbur	Mar. 18, 1924	Do.
45. Charles Francis Adams	Mar. 5, 1929	Herbert C. Hoover.
46. Claude A. Swanson	Mar. 4, 1933	Franklin D. Roosevelt.
47. Charles Edison	Dec. 30, 1939	Do.
48. Frank Knox	July 10, 1940	Do.
49. James V. Forrestal	May 18, 1944	Do.

*The Navy and War Departments were merged into the National Military Establishment by Public Law 253, 80th Cong., approved July 26, 1947.

[1] Declined the position and never entered on duty.

SECRETARIES OF THE INTERIOR

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Name	When appointed	President
1. Thomas Ewing	Mar. 8, 1849	Zachary Taylor.
2. Thomas M. T. McKennan	Aug. 15, 1850	Millard Fillmore.
3. Alex H. H. Stuart	Sept. 12, 1850	Do.
4. Robert McClelland	Mar. 7, 1853	Franklin Pierce.
5. Jacob Thompson	Mar. 6, 1857	James Buchanan.
6. Caleb B. Smith	Mar. 5, 1861	Abraham Lincoln.
7. John P. Usher	Jan. 1, 1863	Do.
Do	Mar. 4, 1865	Do.
Do	Apr. 15, 1865	Andrew Johnson.
8. James Harlan	May 15, 1865	Do.
9. Orville H. Browning	July 27, 1866	Do.
10. Jacob D. Cox	Mar. 5, 1869	Ulysses S. Grant.
11. Columbus Delano	Nov. 1, 1870	Do.
Do	Mar. 17, 1873	Do.
12. Zachariah Chandler	Oct. 19, 1875	Do.
13. Carl Schurz	Mar. 12, 1877	Rutherford B. Hayes.
14. Samuel J. Kirkwood	Mar. 5, 1881	James A. Garfield.
15. Henry M. Teller	Apr. 6, 1882	Chester A. Arthur.
16. Lucius Q. C. Lamar	Mar. 6, 1885	Grover Cleveland.
17. William F. Vilas	Jan. 16, 1888	Do.
18. John W. Noble	Mar. 5, 1889	Benjamin Harrison.
19. Hoke Smith	Mar. 6, 1893	Grover Cleveland.
20. David R. Francis	Sept. 1, 1896	Do.
21. Cornelius N. Bliss	Mar. 5, 1897	William McKinley.
22. Ethan Allen Hitchcock	Dec. 21, 1898	Do.
Do	Mar. 5, 1901	Do.
Do	Mar. 6, 1905	Theodore Roosevelt.

SECRETARIES OF THE INTERIOR—Continued

Name	When appointed	President
23. James R. Garfield	Jan. 15, 1907	Do.
24. Richard A. Ballinger	Mar. 5, 1909	William H. Taft.
25. Walter L. Fisher	Mar. 7, 1911	Do.
26. Franklin Knight Lane	Mar. 5, 1913	Woodrow Wilson.
27. John Barton Payne	Feb. 28, 1920	Do.
28. Albert Bacon Fall	Mar. 5, 1921	Warren G. Harding.
29. Hubert Work	Feb. 27, 1923	Do.
Do		Calvin Coolidge.
30. Ray O. West	July 20, 1928	Do.
31. Ray Lyman Wilbur	Mar. 5, 1929	Herbert C. Hoover.
32. Harold L. Ickes	Mar. 4, 1933	Franklin D. Roosevelt.
33. Julius A. Krug	Mar. 6, 1946	Harry S. Truman.
34. Oscar L. Chapman	Nov. 25, 1949	Do.
35. Douglas McKay	Jan. 21, 1953	Dwight D. Eisenhower.
36. Frederick A. Seaton	June 6, 1956	Do.
37. Stewart Lee Udall	Jan. 21, 1961	John F. Kennedy.
Do		Lyndon B. Johnson.
38. Walter J. Hickel	Jan. 24, 1969	Richard M. Nixon.
39. Rogers C. B. Morton	Jan. 29, 1971	Do.
Do		Gerald R. Ford.
40. Stanley K. Hathaway	June 12, 1975	Do.
41. Thomas S. Kleppe	Oct. 13, 1975	Do.
42. Cecil D. Andrus	Jan. 21, 1977	Jimmy Carter.
43. James Gaius Watt	Jan. 23, 1981	Ronald Reagan.
44. William P. Clark	Nov. 18, 1983	Do.
45. Donald P. Hodel	Feb. 7, 1985	Do.
46. Manuel Lujan, Jr.	Feb. 8, 1989	George Bush.

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SECRETARIES OF AGRICULTURE

Name	When appointed	President
1. Norman J. Coleman	Feb. 13, 1889	Grover Cleveland.
2. Jeremiah M. Rusk	Mar. 5, 1889	Benjamin Harrison.
3. Julius Sterling Morton	Mar. 6, 1893	Grover Cleveland.
4. James Wilson	Mar. 5, 1897	William McKinley.
Do	Mar. 5, 1901	Do.
Do	Mar. 6, 1905	Theodore Roosevelt.
Do	Mar. 5, 1909	William H. Taft.
5. David Franklin Houston	Mar. 5, 1913	Woodrow Wilson.
6. Edwin Thomas Meredith	Jan. 31, 1920	Do.
7. Henry C. Wallace	Mar. 5, 1921	Warren G. Harding.
Do		Calvin Coolidge.
8. Howard M. Gore	Nov. 21, 1924	Do.
9. William M. Jardine	Feb. 18, 1925	Do.
10. Arthur L. Hyde	Mar. 5, 1929	Herbert C. Hoover.
11. Henry A. Wallace	Mar. 4, 1933	Franklin D. Roosevelt.
12. Claude R. Wickard	Aug. 27, 1940	Do.
13. Clinton P. Anderson	June 2, 1945	Harry S. Truman.
14. Charles F. Brannan	May 29, 1948	Do.
15. Ezra Taft Benson	Jan. 21, 1953	Dwight D. Eisenhower.
16. Orville L. Freeman	Jan. 21, 1961	John F. Kennedy.
Do		Lyndon B. Johnson.
17. Clifford M. Hardin	Jan. 21, 1969	Richard M. Nixon.
18. Earl Lauer Butz	Dec. 2, 1971	Do.
Do		Gerald R. Ford.
19. John A. Knebel [1]	Nov. 3, 1976	Do.
20. Bob S. Bergland	Jan. 21, 1977	Jimmy Carter.
21. John R. Block	Jan. 23, 1981	Ronald Reagan.
22. Richard E. Lyng	Mar. 7, 1986	Do.
23. Clayton K. Yeutter	Feb. 16, 1989	George Bush.

[1] Recess appointment. Nomination not confirmed by the Senate.

SECRETARIES OF COMMERCE AND LABOR* 960

Name	When appointed	President
1. George B. Cortelyou	Feb. 16, 1903	Theodore Roosevelt.
2. Victor H. Metcalf	July 1, 1904	Do.
Do	Mar. 6, 1905	Do
3. Oscar S. Straus	Dec. 12, 1906	Do.
4. Charles Nagel	Mar. 5, 1909	William H. Taft.

*Department of Commerce and Labor abolished Mar. 3, 1913.

SECRETARIES OF COMMERCE 961

Name	When appointed	President
1. William C. Redfield	Mar. 5, 1913	Woodrow Wilson.
2. Joshua Wills Alexander	Dec. 11, 1919	Do.
3. Herbert C. Hoover	Mar. 5, 1921	Warren G. Harding.
Do		Calvin Coolidge.
4. William F. Whiting	Aug. 21, 1928	Do.
5. Robert Patterson Lamont	Mar. 5, 1929	Herbert C. Hoover.
6. Roy Dikeman Chapin	Aug. 8, 1932	Do.
7. Daniel C. Roper	Mar. 4, 1933	Franklin D. Roosevelt.
8. Harry L. Hopkins	Dec. 24, 1938	Do.
9. Jesse H. Jones	Sept. 16, 1940	Do.
10. Henry A. Wallace	Mar. 1, 1945	Do.
11. W. Averell Harriman	Sept. 28, 1946	Harry S. Truman.
12. Charles Sawyer	May 6, 1948	Do.
13. Sinclair Weeks	Jan. 21, 1953	Dwight D. Eisenhower.
14. Lewis L. Strauss[1]	Nov. 13, 1958	Do.
15. Frederick Henry Mueller	Aug. 6, 1959	Do.
16. Luther H. Hodges	Jan. 21, 1961	John F. Kennedy.
17. John T. Connor	Jan. 18, 1965	Lyndon B. Johnson.
18. Alexander B. Trowbridge	June 14, 1967	Do.
19. C. R. Smith	Mar. 6, 1968	Do.
20. Maurice H. Stans	Jan. 21, 1969	Richard M. Nixon.
21. Peter G. Peterson	Feb. 29, 1972	Do.
22. Frederick B. Dent	Feb. 2, 1973	Do.
Do		Gerald R. Ford.
23. Rogers C. B. Morton	May 1, 1975	Do
24. Elliot L. Richardson	Feb. 1, 1976	Do.
25. Juanita M. Kreps	Jan. 21, 1977	Jimmy Carter.
26. Philip M. Klutznick	Dec. 21, 1979	Do.
27. Malcolm Baldrige	Jan. 23, 1981	Ronald Reagan.
28. C. William Verity, Jr.	Oct. 15, 1987	Do.
29. Robert A. Mosbacher	Feb. 3, 1989	George Bush.

[1] Recess appointment. Nomination not confirmed by the Senate (June 18, 1959).

SECRETARIES OF LABOR 962

Name	When appointed	President
1. William Bauchop Wilson	Mar. 5, 1913	Woodrow Wilson.
2. James J. Davis	Mar. 5, 1921	Warren G. Harding.
Do		Calvin Coolidge.
3. William N. Doak	Dec. 9, 1930	Herbert C. Hoover.
4. Frances Perkins	Mar. 4, 1933	Franklin D. Roosevelt.
5. Lewis B. Schwellenbach	June 1, 1945	Harry S. Truman.
6. Maurice J. Tobin	Aug. 12, 1948	Do.
7. Martin P. Durkin	Jan. 21, 1953	Dwight D. Eisenhower.
8. James P. Mitchell	Jan. 19, 1954	Do.
9. Arthur J. Goldberg	Jan. 21, 1961	John F. Kennedy.

SECRETARIES OF LABOR—Continued

Name	When appointed	President
10. W. Willard Wirtz	Sept. 25, 1962	Do.
Do		Lyndon B. Johnson.
11. George P. Shultz	Jan. 21, 1969	Richard M. Nixon.
12. James D. Hodgson	July 1, 1970	Do.
13. Peter J. Brennan	Feb. 2, 1973	Do.
Do		Gerald R. Ford.
14. John T. Dunlop	Mar. 18, 1975	Do.
15. Willie J. Usery, Jr	Feb. 10, 1976	Do.
16. Ray Marshall	Jan. 26, 1977	Jimmy Carter.
17. Raymond J. Donovan	Feb. 4, 1981	Ronald Reagan.
18. William E. Brock III	April 29, 1985	Do.
19. Ann D. McLaughlin	Dec. 11, 1987	Do.
20. Elizabeth H. Dole	Jan. 30, 1989	George Bush.

963 SECRETARIES OF HEALTH AND HUMAN SERVICES*

Name	When appointed	President
1. Oveta Culp Hobby	Apr. 10, 1953	Dwight D. Eisenhower.
2. Marion B. Folsom	Aug. 1, 1955	Do.
3. Arthur S. Flemming	Aug. 1, 1958	Do.
4. Abraham Ribicoff	Jan. 21, 1961	John F. Kennedy.
5. Anthony J. Celebrezze	July 30, 1962	Do.
6. John W. Gardner	Aug. 18, 1965	Lyndon B. Johnson.
7. Wilbur J. Cohen	May 16, 1968	Do.
8. Robert H. Finch	Jan. 21, 1969	Richard M. Nixon.
9. Elliot L. Richardson	June 24, 1970	Do.
10. Caspar W. Weinberger	Feb. 8, 1973	Do.
Do		Gerald R. Ford.
11. Forrest David Mathews	Aug. 8, 1975	Do.
12. Joseph A. Califano, Jr	Jan. 25, 1977	Jimmy Carter.
13. Patricia Roberts Harris	Aug. 3, 1979	Do.
14. Richard S. Schweiker	Jan. 22, 1981	Ronald Reagan.
15. Margaret M. Heckler	Mar. 9, 1983	Do.
16. Dr. Otis R. Bowen	Dec. 13, 1985	Do.
17. Dr. Louis W. Sullivan	Mar. 10, 1989	George Bush.

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*The Department of Health, Education, and Welfare was created by Reorganization Plan No. 1 of 1953, approved Apr. 1, 1953 (67 Stat. 18; 5 U.S.C. 623), which, effective Apr. 11, 1953, abolished the Federal Security Agency and transferred its functions to the new Department. Name changed from Department of Health, Education, and Welfare effective May 4, 1980, pursuant to Executive Order 12212 of May 2, 1980.

SECRETARIES OF HOUSING AND URBAN DEVELOPMENT* 964

Name	When appointed	President
1. Robert C. Weaver	Jan. 18, 1966	Lyndon B. Johnson.
2. Robert C. Wood[1]	Jan. 2, 1969	Do.
3. George W. Romney	Jan. 21, 1969	Richard M. Nixon.
4. James T. Lynn	Feb. 2, 1973	Do.
Do		Gerald R. Ford.
5. Carla Anderson Hills	Mar. 10, 1975	Do.
6. Patricia Roberts Harris	Jan. 21, 1977	Jimmy Carter.
7. Moon Landrieu	Sept. 14, 1979	Do.
8. Samuel R. Pierce, Jr	Jan. 23, 1981	Ronald Reagan.
9. Jack Kemp	Feb. 13, 1989	George Bush.

[1] Recess appointment.

*The Department of Housing and Urban Development was created by Public Law 89-174, approved Sept. 9, 1965.

SECRETARIES OF TRANSPORTATION* 965

Name	When appointed	President
1. Alan S. Boyd	Jan. 12, 1967	Lyndon B. Johnson.
2. John A. Volpe	Jan. 21, 1969	Richard M. Nixon.
3. Claude S. Brinegar	Feb. 2, 1973	Do.
Do		Gerald R. Ford.
4. William T. Coleman, Jr	Mar. 4, 1975	Do.
5. Brockman Adams	Jan. 21, 1977	Jimmy Carter.
6. Neil Goldschmidt	Aug. 10, 1979	Do.
7. Andrew L. Lewis, Jr	Jan. 23, 1981	Ronald Reagan.
8. Elizabeth Hanford Dole	Feb. 7, 1983	Do.
9. James H. Burnley IV	Dec. 2, 1987	Do.
10. Samuel K. Skinner	Feb. 6, 1989	George Bush.

*The Department of Transportation was created by Public Law 89-670, approved Oct. 15, 1966.

SECRETARIES OF ENERGY* 966

Name	When appointed	President
1. James R. Schlesinger	Aug. 5, 1977	Jimmy Carter.
2. Charles William Duncan, Jr	Aug. 24, 1979	Do.
3. James B. Edwards	Jan. 23, 1981	Ronald Reagan.
4. Donald P. Hodel	Nov. 5, 1982	Do.
5. John S. Herrington	Feb. 7, 1985	Do.
6. James D. Watkins	Mar. 9, 1989	George Bush.

*The Department of Energy was created by Public Law 95-91, approved Aug. 4, 1977.

SECRETARIES OF EDUCATION* 967

Name	When appointed	President
1. Shirley Mount Hufstedler	Dec. 6, 1979	Jimmy Carter.
2. T.H. Bell	Jan. 23, 1981	Ronald Reagan.
3. William J. Bennett	Feb. 6, 1985	Do.
4. Lauro F. Cavazos	Sept. 20, 1988	Do.

*The Department of Education was created by Public Law 96-88, approved Oct. 17, 1979, and became effective May 4, 1980, pursuant to Executive Order 12212 of May 2, 1980.

968 SECRETARIES OF VETERANS AFFAIRS*

Name	When appointed	President
1. Edward J. Derwinski	Mar. 15, 1989	George Bush.

*The Department of Veterans Affairs was created by Public Law 100-527, approved Oct. 25, 1988, which abolished the Veterans Administration and transferred its functions to the new Department, effective Mar. 15, 1989.

[970]

RATIFICATION [1] OF THE CONSTITUTION BY THE THIRTEEN ORIGINAL STATES

State	Date of ratification of the Constitution	Votes cast		Population at date of ratification	Population, 1980 census	Estimated population, July 1, 1988	Area in square miles	Remarks
		Yeas	Nays					
Delaware	Dec. 7, 1787	[2] 30		59,096	594,338	660,000	2,045	
Pennsylvania	Dec. 12, 1787	46	23	434,373	11,863,895	12,027,000	45,308	
New Jersey	Dec. 18, 1787	[2] 38		184,139	7,364,823	7,720,000	7,787	
Georgia	Jan. 2, 1788	[2] 26		82,548	5,463,105	6,401,000	58,910	Seceded Jan. 19, 1861. Readmitted to representation by the act of July 15, 1870.
Connecticut	Jan. 9, 1788	128	40	238,141	3,107,576	3,241,000	5,018	
Massachusetts	Feb. 6, 1788	187	168	378,787	5,737,037	5,871,000	8,284	
Maryland	Apr. 28, 1788	63	11	319,728	4,216,975	4,644,000	10,460	
South Carolina	May 23, 1788	149	73	249,073	3,121,820	3,493,000	31,113	Seceded Dec. 20, 1860. Readmitted to representation upon ratifying the fourteenth amendment, July 9, 1868.
New Hampshire	June 21, 1788	57	46	141,899	920,610	1,097,000	9,279	
Virginia	June 25, 1788	89	79	747,610	5,346,818	5,996,000	[3] 40,767	Seceded Apr. 17, 1861. Readmitted to representation by the act of Jan. 26, 1870.
New York	July 26, 1788	30	27	340,120	17,558,072	17,898,000	49,108	
North Carolina	Nov. 21, 1789	184	77	393,751	5,881,766	6,526,000	52,669	Seceded May 21, 1861. Readmitted to representation upon ratifying the fourteenth amendment, July 4, 1868.
Rhode Island	May 29, 1790	34	32	68,825	947,154	995,000	1,212	

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[1] The Constitution was adopted by convention of the States Sept. 17, 1787, and was subsequently ratified by the several States in the order listed.

[2] Unanimous.

[3] The area of Virginia at the date of ratification was 61,352 square miles, but Dec. 31, 1862, a portion of its territory was set off and admitted into the Union as a free and independent State under the name of West Virginia.

[971]

STATES ADMITTED INTO THE UNION SINCE ADOPTION OF THE CONSTITUTION

State	Date of admission	Population at time of admission	Population, 1980	Estimated population, July 1, 1988	Area in square miles	Formation
Vermont	Mar. 4, 1791	85,539	511,456	556,000	9,614	Formed from a portion of the territory of the State of New York.
Kentucky	June 1, 1792	73,677	3,660,777	3,721,000	40,410	Formed from a portion of the territory of the State of Virginia.
Tennessee	June 1, 1796	77,262	4,591,120	4,919,000	42,144	Formed from territory ceded to the United States by North Carolina. Seceded June 8, 1861. Readmitted to representation by joint resolution of July 24, 1866.
Ohio	Mar. 1, 1803 [1]	41,915	10,797,630	10,872,000	41,330	Formed from territory ceded to the United States by the State of Virginia.
Louisiana	Apr. 30, 1812	76,556	4,205,900	4,420,000	47,752	Formed from territory ceded to the United States by France under the treaty of Paris of Apr. 30, 1803. Seceded Jan. 26, 1861. Readmitted to representation upon ratifying the fourteenth amendment, July 9, 1868.
Indiana	Dec. 11, 1816	63,897	5,490,224	5,575,000	36,185	Formed from territory ceded to the United States by the State of Virginia.
Mississippi	Dec. 10, 1817	75,512	2,520,638	2,627,000	47,689	Formed from territory ceded to the United States by the States of Georgia and South Carolina. Seceded Jan. 9, 1861. Readmitted to representation by act of Feb. 23, 1870.
Illinois	Dec. 3, 1818	34,620	11,426,518	11,554,000	56,345	Formed from territory ceded to the United States by the State of Virginia.
Alabama	Dec. 14, 1819	144,317	3,893,888	4,127,000	51,705	Formed from territory ceded to the United States by the States of South Carolina and Georgia. Seceded Jan. 11, 1861. Readmitted to representation upon ratifying the fourteenth amendment, July 13, 1868.
Maine	Mar. 15, 1820	298,335	1,124,660	1,206,000	33,265	Formed from a portion of the territory of the State of Massachusetts.
Missouri	Aug. 10, 1821	66,586	4,916,686	5,139,000	69,697	Formed from a portion of the territory ceded to the United States by France, under the name of "Louisiana," by the treaty of Paris of 1803.
Arkansas	June 15, 1836	52,240	2,286,435	2,422,000	53,187	Formed from a portion of the territory ceded to the United States by France, under the name of "Louisiana," by the treaty of Paris of 1803. Seceded May 6, 1861. Readmitted to representation upon ratifying the fourteenth amendment, June 22, 1868.
Michigan	Jan. 26, 1837	•200,000	9,262,078	9,300,000	58,527	Formed from territory ceded to the United States by the State of Virginia.
Florida	Mar. 3, 1845	54,477	9,746,324	12,377,000	58,664	Formed from territory ceded to the United States by Spain by treaty of Washington of Feb. 22, 1819. Seceded Jan. 11, 1861. Readmitted to representation upon ratifying the fourteenth amendment, June 25, 1868.
Texas	Dec. 29, 1845	•250,000	14,229,191	16,780,000	266,807	This State was originally a part of the Republic of Mexico, but by a successful revolt the people established for themselves an independent republican government, and were subsequently annexed to the United States. Seceded Feb. 1, 1861. Readmitted to representation by the act of Mar. 30, 1870.
Iowa	Dec. 28, 1846	81,920	2,913,808	2,834,000	56,275	Formed from a portion of the Territory of Wisconsin, as the "Territory of Iowa," June 12, 1838.
Wisconsin	May 29, 1848	210,596	4,705,767	4,858,000	56,153	Formed from a portion of the territory of the State of Michigan, as the "Territory of Wisconsin," Apr. 20, 1836.

STATES ADMITTED INTO THE UNION SINCE ADOPTION OF THE CONSTITUTION—Continued

State	Date of admission	Population at time of admission	Population, 1980	Estimated population, July 1, 1988	Area in square miles	Formation
California	Sept. 9, 1850	107,000	23,667,902	28,168,000	158,706	Formed from territory ceded to the United States by Mexico by the Treaty of Guadalupe Hidalgo of Feb. 2, 1848.
Minnesota	May 11, 1858	150,042	4,075,970	4,306,000	84,402	Formed from a portion of the territory ceded to the United States by France by the treaty of Apr. 30, 1803.
Oregon	Feb. 14, 1859	52,465	2,633,105	2,741,000	97,073	Formed from territory ceded to the United States by the treaty with France of Apr. 30, 1803, the treaty with Spain of Feb. 22, 1819, and the treaty with Great Britain of June 15, 1846.
Kansas	Jan. 29, 1861	107,206	2,363,679	2,487,000	82,277	Formed from territory ceded to the United States by France by the treaty of Apr. 30, 1803, and by the State of Texas, in the settlement of her boundaries, in 1850.
West Virginia	June 19, 1863	376,683	1,949,644	1,884,000	24,232	Formed from a portion of the territory of the State of Virginia.
Nevada	Oct. 31, 1864	*40,000	800,493	1,060,000	110,561	Formed from a portion of the territory ceded to the United States by Mexico by the Treaty of Guadalupe Hidalgo of Feb. 2, 1848.
Nebraska	Mar. 1, 1867	*60,000	1,569,825	1,601,000	77,355	Formed from a petition of the territory ceded to the United States by France by the treaty of Apr. 30, 1803.
Colorado	Aug. 1, 1876	*150,000	2,889,964	3,290,000	104,091	Formed from portions of the territory ceded to the United States by France by the treaty of Apr. 30, 1803 and of that ceded by Mexico by the Treaty of Guadalupe Hidalgo of Feb. 2, 1848.
South Dakota	Nov. 2, 1889	*460,000	690,768	715,000	77,116	Formed from a portion of the territory ceded to the United States by France by treaty of Apr. 30, 1803.
North Dakota	Nov. 2, 1889		652,717	663,000	70,702	Do.
Montana	Nov. 8, 1889	*112,000	786,690	804,000	147,046	Do.
Washington	Nov. 11, 1889	*273,000	4,132,156	4,619,000	68,139	Formed from territory ceded to the United States by France by treaty of Apr. 30, 1803. The northern boundary of the territory was settled by a treaty with Great Britain, known as the "Oregon Treaty" of June 15, 1846.
Idaho	July 3, 1890	84,385	943,935	1,999,000	83,564	Formed from a portion of the territory ceded to the United States by France by treaty of Apr. 30, 1803.
Wyoming	July 10, 1890	60,705	469,557	471,000	97,809	Formed from a portion of the territory ceded to the United States by France by treaty of Apr. 30, 1803.
Utah	Jan. 4, 1896	*241,000	1,461,037	1,691,000	84,899	Formed from a portion of the territory ceded to the United States by Mexico by the Treaty of Guadalupe Hidalgo of Feb. 2, 1848.
Oklahoma	Nov. 16, 1907	*1,414,177	3,025,290	3,263,000	69,956	Formed by the union of Oklahoma Territory and Indian Territory.
New Mexico	Jan. 6, 1912	*338,470	1,302,894	1,510,000	121,593	Formed from a portion of the territory ceded to the United States by Mexico by the Treaty of Guadalupe Hidalgo of Feb. 2, 1848.
Arizona	Feb. 14, 1912	*216,639	2,718,215	3,466,000	114,000	Formed from territory ceded to the United States by Mexico, part by the Treaty of Guadalupe Hidalgo of Feb. 2, 1848, and part by what is known as the "Gadsden Purchase," Dec. 30, 1853.

STATES ADMITTED INTO THE UNION SINCE ADOPTION OF THE CONSTITUTION—Continued

State	Date of admission	Population at time of admission	Population, 1980	Estimated population, July 1, 1988	Area in square miles	Formation
Alaska	Jan. 3, 1959	[*]211,000	401,851	513,000	591,004	Formed from territory ceded to the United States by Russia by treaty of Mar. 30, 1867.
Hawaii	Aug. 21, 1959	[*]595,000	964,691	1,093,000	6,471	Formed from the territory of the Republic of Hawaii, annexed to the United States by act of Congress of July 7, 1898.

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[*] Estimated.

[1] By Public Law 204 of the 83d Cong., approved Aug. 7, 1953 (67 Stat. 407), Congress corrected an oversight of one and a half centuries and formally admitted the State of Ohio to the Union, setting Mar. 1, 1803, as the effective date of admission.

[972]

THE DISTRICT OF COLUMBIA

Territory	Date of establishment of territorial government	Population, 1980 census	Estimated population, July 1, 1988	Area in square miles	Formation
District of Columbia		638,333	620,000	69	Established under Art. I, sec. 8, clause 17 of Constitution. Territory originally ceded by Maryland (legislative act of Dec. 23, 1788) and Virginia (legislative act of Dec. 3, 1789). Cessions accepted by Congress by act of July 16, 1790; lines and bounds established by proclamation of President Washington, Mar. 30, 1791. Virginia's cession retroceded by act of Congress July 9, 1846. The government of the District is administered by a Mayor and a 13-member Council, all of whom are elected by the citizens of the District of Columbia. All acts of the council are reviewable by Congress. (Dec. 24, 1973, Pub. L. 93-198.) Pursuant to the District of Columbia Delegate Act the District of Columbia now has a non-voting Delegate to the House of Representatives. (Sept. 22, 1970, Pub. L. 91-405, §§ 201-206, 84 Stat. 848.)

[973]

COMMONWEALTH OF PUERTO RICO, THE INSULAR POSSESSIONS, AND TRUST TERRITORY OF THE PACIFIC ISLANDS

Insular possession	Date of establishment of insular government	Population, 1980 census	Estimated population, July 1, 1987	Area in square miles	Acquisition
Commonwealth of Puerto Rico	July 25, 1952	3,196,520	3,292,000	3,421	Ceded to United States by Spain by Treaty of Paris, Dec. 10, 1898. The constitution of the Commonwealth was approved July 3, 1952.
Guam	Aug. 1, 1950	105,979	130,400	209	Ceded to the United States by Spain by Treaty of Paris, Dec. 10, 1898.
American Samoa	[1]	32,297	38,400	77	Acquired by the United States Feb. 16, 1900, under terms of tripartite treaty Dec. 2, 1899. Full sovereignty accepted from native chiefs by United States Feb. 20, 1929.
Virgin Islands	June 22, 1936	96,569	106,100	132	By purchase from Denmark, Mar. 3, 1917, for $25,000,000. The Revised Organic Act of 1954 is the basis for the present territorial government.
Trust Territory of the Pacific Islands	[1][2]	116,149			Occupied during World War II. Placed under the United Nations Trusteeship system in 1947 by agreement with the Security Council of the United Nations.
Northern Mariana Islands	Jan. 9, 1978	16,780	20,300	184	Concluded future political status negotiations in 1975 which will establish a commonwealth relationship with the U.S. at termination of the trusteeship. Covenant providing this relationship passed by Congress in March 1976 (P.L. 94-241).

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[1] Administered under jurisdiction of the Department of the Interior, with a locally drafted constitution and elected governor and legislature.

[2] As of November 3, 1986 the Marshall Islands and the Federal States of Micronesia became freely associated states. The estimated population of the remaining territory, the Republic of Palau, as of February 1, 1989 was 14,000.

[974]

APPORTIONMENTS OF REPRESENTATIVES

State	1787	1790	1800	1810	1820	1830	1840	1850	1860	1870	1880	1890	1900	1910	1930	1940	1950	1960	1970	1980
Alabama				*1	3	5	7	7	6	8	8	9	9	10	9	9	9	8	7	7
Alaska																	*1	1	1	1
Arizona														*1	1	2	2	3	4	5
Arkansas						*1	1	2	3	4	5	6	7	7	7	7	6	4	4	4
California							*2	2	3	4	6	7	8	11	20	23	30	38	43	45
Colorado										*1	1	2	3	4	4	4	4	4	5	6
Connecticut	5	7	7	7	6	6	4	4	4	4	4	4	5	5	6	6	6	6	6	6
Delaware	1	1	1	2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Florida							*1	1	1	2	2	2	3	4	5	6	8	12	15	19
Georgia	3	2	4	6	7	9	8	8	7	9	10	11	11	12	10	10	10	10	10	10
Hawaii																	*1	2	2	2
Idaho											*1	1	1	2	2	2	2	2	2	2
Illinois				*1	1	3	7	9	14	19	20	22	25	27	27	26	25	24	24	22
Indiana				*1	3	7	10	11	11	13	13	13	13	13	12	11	11	11	11	10
Iowa							*2	2	6	9	11	11	11	11	9	8	8	7	6	6
Kansas									1	3	7	8	8	8	7	6	6	5	5	5
Kentucky		2	6	10	12	13	10	10	9	10	11	11	11	11	9	9	8	7	7	7
Louisiana				*1	3	3	4	4	5	6	6	6	7	8	8	8	8	8	8	8
Maine				7	7	8	7	6	3	5	4	4	4	4	3	3	3	2	2	2
Maryland	6	8	9	9	9	8	6	6	5	6	6	6	6	6	6	6	7	8	8	8
Massachusetts	8	14	17	13	13	12	10	11	10	11	12	13	14	16	15	14	14	12	12	11
Michigan						*1	3	4	6	9	11	12	12	13	17	17	18	19	19	18
Minnesota								*2	2	3	5	7	9	10	9	9	9	8	8	8
Mississippi				*1	1	2	4	5	5	6	7	7	8	8	7	7	6	5	5	5
Missouri					1	2	5	7	9	13	14	15	16	16	13	13	11	10	10	9
Montana											*1	1	1	2	2	2	2	2	2	2
Nebraska									*1	1	3	6	6	6	5	4	4	3	3	3
Nevada									*1	1	1	1	1	1	1	1	1	1	1	2
New Hampshire	3	4	5	6	6	5	4	3	3	3	2	2	2	2	2	2	2	2	2	2
New Jersey	4	5	6	6	6	6	5	5	5	7	7	8	10	12	14	14	14	15	15	14
New Mexico														*1	1	2	2	2	2	3
New York	6	10	17	27	34	40	34	33	31	33	34	34	37	43	45	45	43	41	39	34
North Carolina	5	10	12	13	13	13	9	8	7	8	9	9	10	10	11	12	12	11	11	11
North Dakota											*1	1	2	3	2	2	2	2	1	1
Ohio			*1	6	14	19	21	21	19	20	21	21	21	22	24	23	23	24	23	21
Oklahoma													*5	8	9	8	6	6	6	6
Oregon								*1	1	1	1	2	2	3	3	4	4	4	4	5
Pennsylvania	8	13	18	23	26	28	24	25	24	27	28	30	32	36	34	33	30	27	25	23
Rhode Island	1	2	2	2	2	2	2	2	2	2	2	2	2	3	2	2	2	2	2	2
South Carolina	5	6	8	9	9	9	7	6	4	5	7	7	7	7	6	6	6	6	6	6
South Dakota											*2	2	2	3	2	2	2	2	2	1
Tennessee		*1	3	6	9	13	11	10	8	10	10	10	10	10	9	10	9	9	8	9
Texas							*2	2	4	6	11	13	16	18	21	21	22	23	24	27
Utah												*1	1	2	2	2	2	2	2	3
Vermont		2	4	6	5	5	4	3	3	3	2	2	2	2	1	1	1	1	1	1
Virginia	10	19	22	23	22	21	15	13	11	9	10	10	10	10	9	9	10	10	10	10
Washington											*1	2	3	5	6	6	7	7	7	8
West Virginia										3	4	4	5	6	6	6	6	5	4	4
Wisconsin							*2	3	6	8	9	10	11	11	10	10	10	10	9	9
Wyoming											*1	1	1	1	1	1	1	1	1	1
Total	65	106	142	186	213	242	232	237	243	293	332	357	391	435	435	435	437	435	435	435

*Indicates representation of new States admitted after the respective decennial census apportionments.

NOTE: The original apportionment of Representatives was established in 1787 by the Constitution. Subsequent apportionments based on the 1st Census through the 6th Census were as follows (number of census, date of act, and ratio of persons per Representative): 1st, Apr. 14, 1792, 33,000; 2d, Jan. 14, 1802, 33,000; 3d, Dec. 21, 1811, 35,000; 4th, Mar. 7, 1822, 40,000; 5th, May 22, 1832, 47,700; 6th, June 25, 1842, 70,680. Apportionment based on the 7th Census (1850) through the 12th Census (1900) was determined by the Vinton method, and for the 13th Census (1910) and 15th Census (1930) the method of major fractions was employed, there being no reapportionment in 1920. Apportionment based on the 16th Census (1940), the 17th Census (1950), and the 18th Census (1960), was determined by the method of equal proportions, a description of which may be found in S. Doc. 304, 76th Cong., 3d sess.

[999]

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